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ABSTRACT

Although parents and citizens in each community should be encouraged to participate in the educational policy-making process, it has been shown that public access to school board meetings is thwarted in many subtle ways. To gain information that would help to balance the interests of privacy and public access in every school district, the State Association of School Boards in each of the 50 states and the board of education in the District of Columbia were asked to reply to a two-page questionnaire about the provisions of their state's open meeting law as it applies to their member organizations--the local boards of education. Each chief state school officer was asked to supply information as to whom citizens should contact for more information or to file a complaint when they believed the law had been violated by their school boards. Findings indicate that four common elements allow the system of open government to break down: (1) vague requirements for compliance; (2) obtuse language; (3) too many exemptions from open meeting requirements; and (4) complex procedures for citizen participation or redress. The elements of open meetings are discussed as well as the fact that school board members may resist open deliberation. Based on the results of the survey, it is concluded that no state has an open meeting law that can be held up as ideal for protecting public access. A glossary is included, and appendixes making up the bulk of the document provide: (1) summaries of state open meeting laws as they apply to local school boards in 50 states and the District of Columbia); (2) two charts showing provisions of state open meeting laws and common topics allowed in executive sessions; (3) a list of resources; and (4) a list of state school board associations. (SI)

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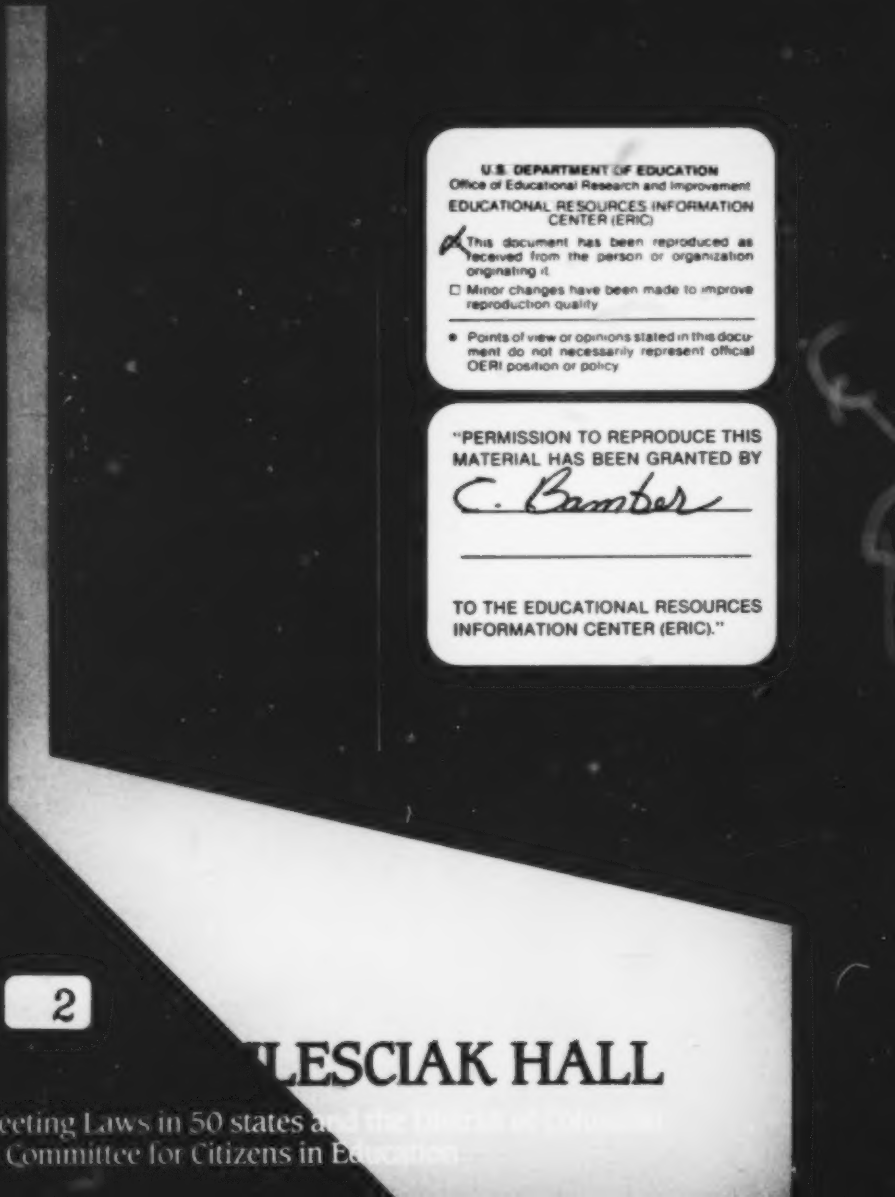
A CITIZEN'S GUIDE TO INCREASING PUBLIC ACCESS TO LOCAL SCHOOL BOARDS

Beyond the Open Door



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LESCIAK HALL

This report is based on a survey of Open Meeting Laws in 50 states and the District of Columbia conducted by The National Committee for Citizens in Education

Beyond the Open Door

A Citizens Guide to Increasing Public Access to Local School Boards

Nancy Berla and Susan Hlesciak Hall

This report is based on a survey of Open Meeting Laws in 50 states and the District of Columbia conducted by

The National Committee for Citizens in Education

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Why We Wrote This Book

This book is the product of our own need to know and to be helpful to others. A recurring question asked of NCCE staff is "How *open* should local school board deliberations be?" It is asked by parents and citizens who want to hear and be heard at school board meetings, and it is asked by school board members who sometimes want to confer in private yet are also concerned that they represent their entire community--not just a few, vocal special interest groups.

We offer this book as a resource to parents, citizens and school board members who want to balance the interests of privacy and public access in their school district. In this volume you will find our compilation of 50 state open meeting laws (plus the District of Columbia's) as they apply to local school boards as well as a chart comparing the major provisions of open meeting laws, state by state. In addition, we provide some advice on how to develop local policies and practices which go beyond the minimum requirements of these laws to provide fair access to all citizens.

Acknowledgments

This book could not have been written without the full cooperation of the chief state school officers, their staffs and education agencies in every state; the State Associations of School Boards in every state and the school board of the District of Columbia. We wish to thank them for completing our open meeting law surveys, for numerous telephone consultations clarifying open meeting laws as they relate to local school boards, and for sending helpful written materials.

In addition, we would like to thank Common Cause, the Institute for Educational Leadership and the National School Boards Association for providing written resources relating to school boards and open meeting laws.

We are endebted to the following people for giving our manuscript a critical reading and making suggestions for improvement: Robert Freeman, Helen Oakes, Rose Musto, George Oser, Marilyn Smith, Catherine Spoto, Madonna Tibor, and to Manya Ungar for her kind comments about the project. We would also like to acknowledge the assistance of NCCE governing board members Anne Hallett and Martha Darling in identifying readers and school board members for interview.

We express special appreciation to those school board members who shared local policies and practices with us. Their candor has enabled us to ground the ideals of public access into everyday experience. As a result, we believe this publication will be more useful to citizens and school board members alike.

NCCE staff persons deserving special credit for their assistance are exective director Bill Rioux who took a personal interest in this project, Carl Marburger and Anne Henderson for their suggestions and support and Lisa Mondor and Linda Yaverbaum for their typing and proofreading assistance.

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Introduction

America has a government unlike any other. As citizens we have a right to know and understand what is happening at every level. We also have the right to approach public officials with our concerns and requests. In short, we have a right to participate in the democratic process. That includes the public deliberations and decisions made by school boards, the locally appointed or elected officials who are entrusted with making policy decisions for the nation's 15,000 independent school districts.

Parents and citizens in each community *should* participate in the educational policy making process, for nowhere are the stakes higher. Our schools have a major influence over the personal happiness and future productivity of the nation's 45 million school-age children. The lay citizens who undertake the job of serving on school boards have a tremendous responsibility. They may not welcome all forms of public involvement, but the truth is, they cannot succeed without the help and support of their community.

So, in addition to our constitutional right to petition, there is a very practical reason why citizens should be allowed to attend and participate in local school board meetings: the survival and improvement of local school systems for all of our children. Yet many citizens complain that they are effectively or literally shut out. This unhappy situation may come about even though a school board is acting in good faith. Governing schools has become such a complicated business that some school board members confess to being confused about what is allowed and required in the way of public input. Genuine concern for the privacy of a disciplined student or for the integrity of a complex real estate negotiation may persuade school boards to hold hearings behind closed doors. But such executive sessions are abused when boards rationalize private meetings to "line up their votes before going public" or to avoid public testimony on a controversial issue.

In addition to being barred from executive sessions, citizens often claim to be thwarted in more subtle ways when they take the initiative to attend open school board meetings or to speak there. Such tactics as scheduling meetings during working hours, failing to publicize meetings, and putting red tape in the way of citizens who wish to have their concerns aired at an open meeting discourage public involvement. The result is that local school board meetings which should be a major forum for community collaboration seldom are.

To change the minds of school board members who consciously resist public involvement is a difficult undertaking. To inform school board members who are genuinely confused about their responsibilities under law is easier. If we do not succeed with the former goal by publishing this report, we at least hope to shed light on the situation for the latter.

By 1976 every state and the District of Columbia had an open meeting law on the books. These laws spell out citizens' rights to access school boards and other public bodies. Yet these statutes are not widely known or enforced; as one frustrated state official put it, they may be "the most violated law outside of jaywalking."[1] But they are there, to be exercised and strengthened by board members and community members alike. It is our hope that this publication will contribute to that process by

1. Clarifying the provisions of existing open meeting laws in each state
2. Pointing out strengths and weaknesses of the various statutes
3. Identifying key elements of a responsive local policy consistent with state open meeting law, and
4. Suggesting a course of action for those who want to improve local school board compliance with their state's law or encourage voluntary openness at local meetings.

Open communication works to everybody's benefit. When citizens are heard *by*, and can, in turn, hear the concerns and constraints *of*, the board, the best interests of the students can be served.

Chapter I

How This Study Came About: Motives and Methods

This study was inspired by what seemed at the onset a simple, straightforward question: What do state open meeting laws require of school boards? Everywhere we inquired, however, from citizen advocacy groups to state government agencies, the responses were remarkably similar: "That's a good question; somebody should find out." The resource coming closest to the information we sought was the Common Cause survey of state open meeting laws published in 1983. This looked at "sunshine laws" in general and included a model policy which is markedly close in intent and many details to our own conclusions and recommendations. We are endebted to Common Cause for the important groundwork they laid in this area. Still, we could find no comprehensive study which concentrated on the effect of open meeting or sunshine laws on local education policy making.

Our reason for searching was not idle curiosity. As a national advocacy organization dedicated to increasing public involvement in public education, NCCE champions the right of citizens to petition their local school board and to engage in the ultimate form of public school involvement, becoming members of the board themselves, if they so choose. Citizens and school board members tell us that participation in local school board affairs is not always an easy process. The calls and letters we receive indicate that confusion abounds. Among the most frequently asked questions:

--May citizens attend all meetings of the school board?
--Will they have the right to speak there, or to see and copy all documents discussed?
--When may a school board meet in private?
--May they vote in a closed meeting?
--Can school board members refuse to meet with citizens privately, based on state open meeting laws?
--For that matter, what constitutes a meeting?

These questions are answered by the provisions of *most* state open meeting or "sunshine" laws, which guarantee the public access to the proceedings of public bodies, including school boards. Because we could find no up-to-date compilation of state open meeting laws and no reference which focuses on their effect on the 15,000 local school boards in this country, NCCE decided to conduct its own survey. The factual information we collected from the 50 states and the District of Columbia during the summer of 1988 provides the basis of this handbook.

What is less easily measured are the following:

--the extent to which local school boards understand and comply with state open meeting laws
--the extent to which open meeting laws are open to interpretation
--the extent to which local school boards extend additional access to the public even when not required to do so by state law.

Evaluating the responsiveness of local school boards to their constituents is beyond the scope of our survey, though we did contact a number of community leaders and school board members to ask them about their experiences. Many of their impressions are threaded throughout our commentary. What we hope to provide is a tool with which local citizens and school boards can evaluate local performance. The anecdotal evidence strongly suggests that these groups will have their work cut out for them.

We know that a school board's interpretation of their rights and responsibilities under open meeting laws can lead to misunderstandings and extremes of behavior, ranging from the board which attempted to circumvent its state law by conferring regularly by telephone, to the board member who refused to discuss school-related issues either in person or by phone with any constituent for fear it would constitute an illegal "closed session." To answer questions not made clear by a summary of each law, we refer readers to a contact for more information in each state as well as a designated official to whom complaints should be addressed.

Citizens who feel current provisions for public access to local school board members and input at meetings are insufficient could possibly mount a campaign to amend the state open meeting law, but this could be a monumental task. We suggest an easier route: Negotiate with the local school board to let more sunshine in locally without legislative action. It's important to understand that state open meeting laws provide minimum standards of public access and do not prevent local policies which encourage or require more in the way of public involvement.

How the Survey Was Conducted

In early May 1988, we contacted the State Association of School Boards in each of the 50 states and the board of education in the District of Columbia, requesting that they reply to a two-page questionnaire about the provisions of their state's open meeting law as it applied to their member organizations--the local boards of education; subsequently, we asked them each to send a copy of their state's relevant law as well. At the same time, we asked each chief state school officer to supply us with up-to-date information on whom citizens should contact for more information or to file a complaint when they believed the law had been violated by their local boards. Once the results were in, we formatted the information from both sources, then sent our tabulations and interpretations back to the public information officer at each state department of education to insure that we had not misinterpreted any aspect of their law. We asked the PIOs for as much additional *specific* information as possible (e.g., where a survey response simply indicated that notice of meetings "is required," we wondered if there were precise regulations somewhere--24 hours in advance? printed in two local newspapers?). We also asked that they call to our attention any other documents, such as the state school code, which might affect the public's right to access school boards. As our cover letter stated, we assumed no reply implied our text was correct and complete as written.

Next we interviewed a sampling of present or past school board members from around the country to learn firsthand how those responsible for granting or denying citizens access to board meetings viewed the law, the philosophy behind it, and its effectiveness in practice. We agreed to keep our respondents anonymous in return for their candor.

This report represents the synthesis and analysis of that information, including fifty-one summaries of the open meeting laws as they apply to school boards in each state and in Washington, D.C., and two charts comparing key components of the law in every state. (See Appendix I and II). The variation in the length and style among summaries reflects the nature of the responses we received and variances in the statutes themselves. Appendix III lists resources we used, and includes a number of open meeting law pamphlets produced by individual states.

This report does not purport to be an intensive study into statutes and case law in every state. Nor are the synopses in Appendix I intended to be all inclusive. The "personnel" category in one state may cover only "matters adversely affecting a reputation," while in another everything from performance evaluation or the health of an employee, to allegations of criminal misconduct, are included. Again, most states offer provisions for emergency meetings, for the addition of last-minute items to the agenda, or for legal maneuvers known as "injunctions" or "writs of mandamus" which can restrain or force a board to act, but we have not attempted to go into such fine points. It may be necessary to check your state law for specifics. If, for instance, our chart indicates that citizens have the right to have notice of meetings mailed, you'll need to find out how far in advance to register for this service and whether a fee is attached.

Nor is this meant to be an anti-school board treatise. Indeed, there are many, many committed, responsive boards across the country, in which public access is stringently guarded by local policy despite the loopholes of state law. The National School Boards Association (NSBA) shares the concern that its units be responsive and responsible to the public they serve. In its publication *Becoming a Better Board Member,* the national organization advises, in order to "foster good public attitudes," citizens should "be made to feel a welcome part of the board meeting and the resulting decisions." To accomplish this, NSBA continues, boards should "go out of their way" to enlist community attendance and participation by extensive notification, attention to details of the convenience and efficacy of the meeting site, and an impressive list of other suggestions, from the assignment of a staff person to assist the media present to the distribution of a "Welcome to the Board Meeting" brochure.[2]

What this publication *is* meant to do, is to point out how each state law fares on major safeguards to citizens' rights, most notably the right to address the board in a meaningful way and to have access to, and input into, the board's decision-making process, with the hope that this knowledge will help strengthen citizen involvement in public education.

Our children deserve no less.

Chapter II

Open Meeting Laws: The Ideal and the Reality

As Common Cause founder John W. Gardner has noted, there are two reasons for the lack of public confidence in government: money and secrecy.[3] Open meeting laws are designed to attack the latter.

The purpose of open meeting laws is to guarantee that public bodies conduct their business in public. Sounds like a simple premise in a democratic society. But American government has taken a number of turns on the road from town meetings to thirty-second sound bites, and not all of them have worked to the common good. Backroom politics have long been a fact of life which is not limited to presidential caucuses; even groups as close to the heart of the community as the board of education have established the habit of gathering and voting in private ("This was not always intentional," says the NSBA, "the public just wasn't invited to attend").[4]

Whether called "open meeting," "open door," or "sunshine" laws, framed within the state Freedom of Information Act or tucked untitled within the state code, every state has legislation on its books to guarantee citizens the right at least to observe and at best participate in the democratic process. Like similarly-intended open records laws, (another important tool of public access to government which has crucial implications for citizen involvement in the public schools) these statutes apply to a great number of executive and legislative units on both the state and local levels.

All states guard citizens' rights to access their boards of education. But the extent of that effort varies widely; Alabama's entire law, for example, is contained in two paragraphs, the first establishing the sole ground for holding closed sessions and the second setting the penalty for violations; Connecticut's goes on for eight pages to include proper procedures for reconvened meetings, disruptions from the audience, and the recording, broadcasting and photographing of the event.

But a hefty word count does not guarantee a responsive statute. The most impressive preamble or statement of policy, declaring the intent of the legislature to ensure full participation of the citizens in the process of government, can be quickly short-circuited by a list of 15 or more subjects which are exempted from the open meeting rule. High-minded philosophy breaks down in practice when laws are laced with generalities like these: notice of meetings must be posted within a "reasonable" amount of time beforehand; minutes are due "as soon as practicable" afterwards, and closed meetings may be held for unspecified "exceptional circumstances." Some departures from succinct, easily understood English may be harmless quirks (you have to wonder why legislators in New Hampshire found it better to have minutes available within 144 hours rather than in [illegible] days); others invite suspicion that they are purposely convoluted, making it difficult for citizens to follow the procedures of--or to simply *understand*--the law.

In all, a number of factors we found common to many laws allow the system of open government to break down:

- vague requirements for compliance
- obtuse language
- too many exemptions from open meeting requirements
- complex procedures for citizen participation or redress

The terms of the laws also vary widely, starting with an understanding of what constitutes a meeting in the first place. Some statutes call a simple majority of the board a quorum and allow it to transact business legally; if a quorum is not present, it's not official. Others worry about the intention for which the members, however many of them, have gathered before determining whether or not a meeting is taking place.

Informal meetings can be particularly sticky. Should there be a protocol for a lunch attended only by board members, the superintendent and key staff from the board of education? How about a conference call? If you're a board member in California, such an "electronic meeting" could get you in trouble, while in South Carolina you'd probably be all right as long as there was no intention to circumvent the "spirit" of the law. In Nevada and Oregon, on the other hand, such calls are legal as long as public notice requirements are met and the public has the opportunity to listen in--on a telephone speaker device, for example.

Should citizens worry about legal impropriety if three or four board members congregate at the punch bowl at a private holiday party? They might in Oklahoma where, when a majority of board members are together in an informal setting and the discussion turns to board business, the conversation comes under the auspices of the law. In the state of Washington, one board member complains, "We can't get more than three or four of our board members together for any reason without it being a meeting--we couldn't even get together to decide on a gift for the superintendent without an open session." Similarly, some board members have declined to meet with constituents to discuss board business on the grounds that such a conversation would violate the law, although we found no language in the statutes to support that interpretation.

Committees and subcommittees also pose interesting problems. Given the complex issues with which today's boards must deal, there are very useful and legitimate reasons for forming committees from time to time. But many statutes are not specific as to whether all committees are covered by the requirements of open meeting laws.

They should be; if board members (and others) gather to discuss and deal with official business, the meeting should be open.

The National Schools Boards Association takes a moderate approach to the issue. Says NSBA: "Many superintendents, board members, and school lawyers interpret the sunshine laws in their states to mean that informal social meetings are not prohibited by law, unless held deliberately to evade the law. They find it helpful to define meetings in terms of intent: 'Why are we getting together and does the law require that the public be involved or at least notified of what's happening?'"[5] That's basically the same rule of thumb that courts have used in deciding open meeting noncompliance cases, and in the best of all worlds, it would be adequate protection of the public interest.

But, alas, our universe is flawed. "Intent" is easily camouflaged and deserves intense scrutiny where open meeting law is concerned. The experience garnered by case-workers at the National Committee for Citizens in Education, whose toll-free help line responds to more than 400 calls a month from parents and students, reinforces the observation that there are many lapses from conscientious compliance, and enough loopholes and ambiguities in the state law to allow local jurisdictions to keep open meetings the exception rather than the rule. Boards have historically found ways to circumvent open meeting laws--through "serial" or "rotating" meetings, which consist of a number of conversations between or among a few board memb[illegible]me, such as a series of telephone calls by the chairperson to each member; by orchestrating "chance" meetings; by meeting at an inconvenient time or place or in a room that's too small to accommodate the public or is not handicapped-accessible; by holding retreats or dinner meetings which are technically open, but minimally announced and designed to make an observer feel awkward; or by charging the public a fee for access to public information, from the cost of photocopying minutes to the outrageous stipulation in the North Carolina statute that a fee of up to $25 may be charged each citizen who wants to attend a conference call meeting.

As one disillusioned board member from a central Texas city recalls, "Our board, like many others, had the habit of doing such things as holding regular meetings in a downtown administration building at 10:30 in the morning. Because the room was small, you had to have a ticket to get in. But the board would hand out all the tickets to staff people so that when parents arrived they were told, 'Sorry, you're too late. All the tickets are gone.'" And in one rural upstate New York district, board members consistently sat in a circle in the noisiest corner of the room, so that the discussion would be difficult for others to hear. In the middle of virtually every meeting, this group would go into executive session for an hour and a half or more. "It was a way of saying to the public, 'We really don't want you here.' Our board feels that our meetings should be for our convenience, to hell with the public," one former member admits.

The Elements of Open Meetings

School boards who want to follow the intent and spirit of their state open meeting law should be able to answer "yes" to the following questions:

1. Is the Public Given Adequate Advance Notice?--Putting the word out to the public before meetings is crucial. This is true whether the gathering is a "regular" meeting, which conforms to an official schedule and generally is set yearly; a "special" meeting, called as the need arises, or a "continued," "reconvened," or "adjourned" meeting. The purpose of an otherwise legally-conducted "open" meeting is defeated if no one knows it's being held, or if citizens must go to great lengths to ferret out the necessary information.

A strong mechanism needs to be in place to insure that all board members, too, are adequately informed. It would not serve the public interest to have a member whose views on a controversial issue differed from the majority left out of the debate because of inadequate or nonexistent notice of a special meeting.

2. Are the Agenda, Minutes and Other Documents Available for Public Review?--Only emergency meetings should be held without at least 72 hours public notice, which includes, at a minimum, the date, time and place, and a complete agenda, so that community members can decide whether it is a session they ought to attend and so that they have an opportunity to prepare to follow the discussion and to ask intelligent questions. The agenda should also be available to all present at the meeting, along with any other written information handed out to, or discussed by, board members at an open session. Detailed minutes must be available for public inspection afterwards--an official public record is as important to the spirit of conducting government business in the open as is the right of citizens to be present at the meeting itself.

In addition to the information necessary to understand the subject matter of a particular meeting, the agenda can provide interesting clues as to how serious a board is about being responsive to the community and about citizen involvement in the education process.

☐ Are people forced to sit through three hours of boiler plate business before the issue which brought them to the meeting is finally introduced?

☐ Is the wording of the document and the meaning of items listed comprehensible to the general public or is it filled with cryptic references and educational jargon?

☐ Is community involvement discouraged by the red tape or lengthy registration time necessary to get on the agenda in advance?

☐ Is community participation relegated to the end, when many have given up and gone home? Or is it scheduled at the beginning, or as a component of each item at the time it's taken up by the board? For that matter, is it scheduled at all?

3. Do Citizens Have the Right to Attend and Speak at School Board Meetings?--Two absolutely fundamental rights of citizens are (or should be) at the heart of open meeting laws: the right of the public to hear and observe the decision-making process, and the right to be heard. In the vast majority of these statutes, public access means citizens may *observe* but not necessarily speak. But no state law denies local governing units the power to adopt bylaws and other policies which invite and encourage citizen participation, including submitting written testimony, requesting that an item be placed on the agenda, and being accorded timely follow-up on questions the board can't answer on the spot, as well as addressing the board in person. Those rights should be granted at every open session of every school board in the country. If your state opening meeting law does not require it, work at the local level to change the policy.

4. Are Closed Sessions Strictly Limited?--As important as being heard is being able to hear, not just the final motions, but all aspects of debates, the give-and-take, by which the board makes decisions affecting the community's public education. Of all the potential escape hatches from such open proceedings, the most insidious is the "closed" or "executive" session, during which the board is allowed to shut out the public while it discusses (and in a few instances, votes) on official business.

Some very specific situations justify such a conversation: (a) a discussion of an individual student or employee whose reputation is at stake or (b) an exchange of information that would prejudice the outcome of an ongoing transaction (real estate, contractual or pending litigation).

A balance should be maintained between the right to privacy and the public's right to know. Board members cite several circumstances in which they feel undue harm has been caused by public discussions--when some of the questions which *should* be asked in an interview with a potential superintendent may disqualify him or her for the job, but will also cause embarrassment to the applicant's family, or when student discipline cases are reported, including the student's name, in the local press, for example. But some public officials feel even these commonly used criteria for closed session are sometimes unwarranted. As the California Attorney General's office notes, "The fact that material may be sensitive, embarrassing or controversial does not justify application of a closed session unless it is authorized by some specific exception. Rather, in most circumstances these characteristics are further evidence of the need for public scrutiny and participation in discussing such matters."[6]

5. Are All Votes Taken in Public?--No votes, not even "straw polls" should be taken in executive sessions. Closed meetings should not be used for board consensus-building, so that votes taken in open session become merely *pro forma*, effectively denying the public the right to know individual board member's opinions and justifications for their positions. When boards simply vote unanimously in open session to confirm actions taken in closed session without any further explanation to the public, or meet privately with the superintendent to iron out any rough spots which might otherwise appear on the public agenda--"so no unfortunate surprises surface at the {public} meeting," as one administrator put it,[7] --"representative democracy" becomes a sham.

There are no more than three or four worthy grounds for executive sessions (although some states list several times that many), and they must be strictly interpreted. Otherwise, almost any agenda item could end up in a backroom; boards have decided in secret to oppose the county executive's education budget, for instance, on the disingenuous grounds that they were dealing with personnel and labor negotiations.

Why School Board Members May Resist Open Deliberation

Strict interpretation of open meeting laws is not always popular with school district officials. Twenty percent of board chairpeople who responded to a 1986 survey conducted by the Institute for Educational Leadership said that sunshine laws interfered with their work,[8] and anecdotal evidence of board members' qualms abounds. "A while back," says one board member who prefers more privacy, "while we were negotiating a contract in executive session, one board member stomped out of the room. Can you imagine how that would have looked if it had occurred in open session? There *should* be straw votes," he contends, "and any differences should be worked out in executive session, and the board should keep taking straw votes until, like a jury, they reach a consensus. When the executive session ends, the final vote should be taken in open session, and it should be unanimous. If you want to keep the public, and the school district employees, feeling comfortable and working cooperatively with everyone on the board, they should not know who voted which way originally. That would be counterproductive and would send the wrong message."

That attitude is often well-intentioned; some board members who earn straight A's on every other aspect of community involvement nevertheless support the wide use of executive sessions. But it can also violate the law in spirit, if not letter--take the case of Prince George's County, Maryland (a state which allows 14 grounds for closed meetings), where the board met in executive session at least 43 times in one eight-month period, for example.[9]

"School board members, like politicians, don't like to look stupid, and you can do so real easily asking Dick and Jane questions that in fact *need* to be asked about a complicated issue," asserts a board member from a bedroom community in a Northwestern high-tech corridor. "There's the one pressure not to look stupid, and an opposing pressure not to expose your whole research process to public scrutiny, or to give the pubic information which is better kept confidential, and still make a wise decision. So we ask the questions and do the research outside of the official setting by calling each other or the superintendent, getting together with the superintendent privately, and so forth."

Says one seven-year veteran of a mid-Atlantic city board, "It is simply a matter of fact that people don't really feel able to have forthright discussions in a public forum. It's more difficult to take positions that might be risky or to ask the kinds of questions or do the kind of brainstorming that lead to good discussions because--and I know this from personal experience--they can be misunderstood. If the press, for example, misunderstands or misquotes, it can create real problems."

An understandable ambivalence confronts these local policy-makers. "How I feel as a board member is not necessarily the same as I feel as a citizen. As a board member, I wish we could thrash many things out in private. In public, when things like the pros and cons of a bussing plan end up in the newspaper, that really doesn't help the district. From some board members' perspective, it's helpful (some say imperative) to be able to present a united front, but I can see that that's not useful for the public's purposes," a trustee of a West Coast urban board explains.

Adds a colleague from rural New Jersey: "I understand the importance of the intent of open meeting laws, and why they're considered necessary. But from a board member's point of view, we'd be better off without them. They decrease efficiency and make it more difficult to do our job. You just can't have the same kind of give-and-take in an open meeting. As a board, you're better off if you can talk about matters privately and project a united front to the public." Her board goes into executive session "after just about every (public) meeting."

Adding to the confusion is some curious advice from the NSBA. "Some boards generally move into executive session at the time of a regular board meeting. This almost always arouses suspicions in the minds of the citizens present, so many boards find it wise to state *why* they are going into closed session, and that this action is consistent with the law," the national group advises its members. "A better approach might be to hold executive sessions *prior* to the regular public meeting."[10] A better approach for school officials maybe, but not for the public's right to know--and illegal in many states. A number of state open meeting laws specify that executive sessions must be held at the time of regular meeting in order to alert the public to them. A closed meeting is allowed only if the board votes publicly to hold such a session.

Open Meeting Laws Are Not Enforced

Whatever doubts the public may have about the conduct of boards of education has not been shared widely by the judiciary. Most statutes include provisions for citizens to institute some kind of legal action against a board which violates the law, by filing for an injunction or writ of mandamus, bringing suit to have the illegal actions declared null and void, and in some cases, by bringing civil and/or criminal charges against the board or individual members or levying fines (between $25 and $2,000). But "soft enforcement" of the law (a verbal slap on the wrist) has often been the rule. Judges are understandably loathe to order a new bus garage torn down because the vote on its construction was not properly conducted, for example (timeliness in uncovering and dealing with violations is of the essence). But cases may be dismissed with a ruling of "harmless failure to comply," an approach abetted in most states by a "knowing and willful" clause in the law: An official is not judged responsible if he or she convincingly claims not to have realized the law was being violated (except in Iowa, where "ignorance of (the) law shall be no defense," and, by implication, in Massachusetts and Arkansas where each board member is officially issued a personal copy of the law upon election or appointment to office.)

As a result, asserts Maryland state Sen. Howard A. Denis, "a statute intended to guarantee openness in government has instead become a justification for keeping the public in the dark. The law has been turned on its head...The statute has become a closed meetings law."[11]

Chapter III

Results and Conclusions

As we stated earlier, public deliberation is not only required of local school boards by law, it can be a very helpful way to have the entire community share in educational accountability.

With openness serving their long term best interests, do school boards typically welcome citizens into the decision making process? Seldom. Furthermore, the minimum standards set by many state open meeting laws do not facilitate public participation as they should. Our assessment of state laws found these dismaying patterns of weakness.

☐ Only 18 state open meeting or equivalent laws expressly provide citizens with substantial reasonable notification of meetings; the deadlines range from a full week beforehand in one case to a meager 24 hours in 10 others (although many more states do call for an unspecified advance notification to the public of open meetings, and others mandate at least that a schedule of regular meetings be filed annually and made available to the public).

☐ Twenty-three states call for the agenda to be available in advance, although it's a wishy-washy commitment in many cases; in Vermont, for example, it need not be made public, but must be produced on request. The statutes do better in requiring that minutes be kept.

☐ Forty-three states instruct boards to make the record of open sessions available to the public, and

☐ Eighteen specify that they be kept for executive sessions as well.

☐ But even in meetings declared open, only 14 state sunshine laws explicitly provide for public *participation* in the process of educating our children.

☐ All states allow for executive sessions, most usually for personnel decisions (46 states and the District of Columbia allow this exemption for at least one subcategory, such as the protection of an individual's reputation. Many are much more inclusive). Forty-four states and D.C. exempt various aspects of the attorney-client privilege, most often when the discussion involves pending or probable litigation; deliberations leading to real property transactions are protected in 39 of the jurisdictions; and negotiations with employee organizations or labor relations may be closed sessions in forty-one. Significantly, only 24 of these laws specifically exempt matters relating to the discipline (usually the suspension or expulsion) of an individual student, although such matters might well be included tacitly under "personnel," or addressed in another piece of legislation. Other popular grounds for public exclusion include a catch-all "matters required to be kept confidential by law"; discussions of safety personnel and devices; matters adversely affecting the finances of the board or the investing of public funds; and placement and/or competency of an individual student.

☐ Forty-five of these laws indicate that actions taken in violation of their provisions may be null and void or invalid. And one (Missouri) contains whistle-blower protection; no person in the Show Me state can be held civilly liable for filing a "good faith" report of violation of the law, and no employee of the governmental agency involved can be in any way disciplined for doing so. The number of exemptions ranges from one to 11--some states have several more on the books, but they were omitted from our study because they seemed to have no bearing on public school boards. The most common number of board-related exemptions is six. We conclude much too much of the public's business is still being done in the dark.

Standards for Public Access to Local School Boards

Based on the results of our survey, NCCE has concluded that *no* state has an open meeting law which can be held up as an ideal instrument for protecting public access to local school boards. But this doesn't mean there aren't plenty of individual districts that have taken the initiative to create their own full, responsive policies similar to the one which follows. By combining the best elements of many of the laws, and infusing that list with the safeguards indicated by our research, we believe this is a format through which every school board nationwide can ensure the potential participation of its entire community.

Meetings Open to the Public: Any assemblage of members of the school board *or its officially designated committees or subcommittees* are open to the public as are work sessions, superintendent's information sessions, and any other such gatherings, if called to discuss, be informed of, or act on board business, with very limited and specifically delineated exceptions.

Electronic meetings must adhere to all the requirements of in-person open meetings, with proper notice including locations where, and means by which, the public may listen to and address the meeting, and proper minutes must be kept. Each speaker, whether a member of the board, the superintendent, school staff, or public, must identify him/herself and all votes must be taken by roll call.

Scheduling and Public Notice: All regular meetings are set annually. The schedule is on file for public inspection and announced in a local newspaper with general circulation. A second written notice must be given at least 72 hours to one week in advance of the meeting, appearing in at least one local newspaper with general circulation, and posted conspicuously for the public at the board's principal office or the site of the meeting (if they are different locations), the local public library, and in a public area of each school building. This notice is to include at least the time, date, place, and agenda of the meeting. The wording must be understandable to all segments of the public that might logically be expected to have an interest, or a stake, in local school board activity. Any addition made to the agenda after its posting must be announced at the scheduled meeting with an explanation of why it could not be foreseen in time for inclusion in the public announcement.

Notice of all meetings should be mailed to each citizen who requests it and should include the agenda, date, time and place of the meeting. Both the agenda and any public reports relevant to it should be available to citizens attending the board meeting. A fee may be charged to cover reproduction and mailing costs.

Time and Location: Meetings must be held at times and places convenient to the majority of the public who can reasonably be expected to have interest in board decisions. Access to meeting space should be barrier-free for the handicapped and signing interpreters should be available upon request for the hearing impaired.

Citizen Participation: Time must be reserved for citizen participation at the beginning and end of every public school board meeting. Citizens may ask questions related to agenda items without registering beforehand to speak. Citizens wishing to testify on an issue before the board may be asked to register 15 minutes before the meeting begins. The board chair may set reasonable time limits for each speaker. In the event that many citizens have testimony on a single issue, a public hearing will be scheduled.

Minutes: Detailed minutes of all public meetings, including committees and subcommittees, should be made available to be read and photocopied within 15 days of the meeting. Unapproved minutes should be so marked. Minutes should include at least the date, time and place of the meeting; the members of the board recorded as either present or absent; the substance of all issues deliberated; a record by individual member of all votes cast; descriptions of action taken or legal action addressed; the names of any persons who address the board and a brief description of the subject addressed. Minutes must also include any other information that any board member requests be included or reflected.

Abbreviated minutes of executive sessions, including the date, time and place, board members recorded as present or absent, and description of the sanctioned reason for a closed session, must be available for public inspection within 15 days. Detailed minutes of an executive session must be kept, though they may be withheld from public inspection as long as their publication would defeat the lawful purpose of the closed session, unless ordered unsealed by a court of law.

Closed or "executive" sessions: Those which are permitted should be held only after a formal motion is made followed by a recorded vote of two-thirds of the board membership, taken at an open session for which advance notice was given, and the reason for the executive session is clearly explained at the public session and is part of the public record. No votes or straw polls can be taken, and no effort to form a consensus will be tolerated. Any citizen in attendance at the open meeting may challenge the grounds set out by the board for the closed session, and have the right to a full response from the board. Topics permitted to be discussed in executive session are strictly limited to

✔ Personnel matters affecting a particular individual employee (hiring, job performance, health, discipline, promotion, demotion, dismissal or to hear charges against an employee) but only when the good name or reputation of an individual could clearly be impugned--Employee may request an open hearing.

✔ The purchase, sale or lease of real property, but only when the specific discussion, if public, would significantly affect the value of the property.

✔ Pending litigation in which the board is plaintiff or defendant, but only when the specific conversation, if public, would prejudice the outcome of the case.

✔ Student discipline--Student or student's official representative may request either a closed or an open meeting.

Public Attendance: No one has to register or identify him/herself in any way as a precondition of attending an open meeting. Any questionnaires, sign-up sheet, polls, etc. which are presented before, during, or after the meeting must be strictly and clearly voluntary. The public may record, photograph, or broadcast open meetings as long as the proceedings are not disrupted.

Voting: All votes must be taken in open session in a manner which makes clear to the public (a)the subject matter being decided, and (b)how each member voted (by show of hands or by voice vote, for example) and all votes must be recorded as to how each member voted.

Penalty for Violations: Actions taken in violation of the act are voidable by a court. Suit should be commenced within three months of the action or within three months of public disclosure of the violation. If the suit is upheld, court costs and reasonable attorney's fees will be paid by the board of education. However, if a suit against the board is found to be frivolous, then the plaintiff may be responsible for court costs and reasonable attorney's fees incurred by the board. Civil penalties of not less than $50 will be levied against board members found to have violated the law.

Increasing Public Access

All states should subscribe to the principle that the proceedings and actions of all governing boards, committees, agencies, etc. be open to public access and observance. Some state statutes include more detailed provisions to assure that school boards meet in the sunshine -- these states give school board members, parents, and citizens a legal basis or standard for school board accessibility in their community. In states where the statutory provisions are vague and/or do not address some of the major ingredients of an effective open meeting policy, much can be done at the local level to ensure citizen accessibility to the local school board.

What Parents and Other Citizens Can Do

In this publication we have identified the elements of a strong and effective local policy on open meeting laws. Amending state law to improve the provisions of the open meeting act can be a difficult and time-consuming task. A more direct and effective strategy for change may be to examine local school board policy and practice,

(1) to determine if state law is being followed,
(2) to identify those standards, criteria, or procedures which are not addressed in state law or local policy, and
(3) to propose ordinances, resolutions, rules, or regulations to improve the accessibility of the school board's deliberations and actions.

More people must become aware that open meeting laws exist. We encourage individual parents and parent/community groups to use the information in this publication to become informed about the specific provisions of their state's open meeting law. The next step is to become familiar with any local policies related to open and closed meetings. With this information, such groups will be prepared to monitor local school board practices to determine if state and local requirements are being followed, and, possibly, to serve as a communications link between the school board and the community (perhaps preparing a handbook to provide parents and citizens with more information about open meeting laws).

We suggest that parents regularly attend school board meetings--the presence of an audience is one of the best safeguards for upholding the law. Observe the policies and practices of the local board. Determine whether they are following the state requirements for public notice, the right of the public to speak, procedures for executive sessions, availability and completeness of minutes, etc. If discrepancies between state law and local practices are discovered, establish a written record of each abuse, along with an account of all efforts to resolve the problems, and of the school district responses.

It's important to communicate with each board member in person or in writing about all concerns--and to remain undaunted (and unruffled) in the face of any vague or evasive replies. The board should be informed that its meetings will be monitored and any noncompliance will be recorded. The local newspaper may be a powerful ally--make sure its editors are aware of the problem and urge them to involve their publication in the solution.

The standards recommended in this report can be used to evaluate the practices of the local school board and to propose changes in local policy which will increase public access to the decision-making process. It will require a long-term effort to inform the public effectively about open meeting laws and/or to bring about changes in local policies and practices, but parents and other citizens must voice their concerns and be *con*sistent and *per*sistent in pressing them.

One area most often neglected by state law, as has been noted, is the right of citizens to speak at *all* school board meetings and on *all* issues placed before the board. Many local boards have adopted procedures which facilitate public participation, even when the state law does not require such a policy. Those which do not, and instead continue to conduct their business with no opportunity for citizen comment on all issues, should be met with concerted public pressure to change their ways.

If the incumbent school board members continue to keep the community disinvolved, parents and others have more formidable options to pursue. Through the electoral process they may, in most instances, both change the membership of the board and make the open meeting law a campaign issue. As a last recourse, it should be noted that legal procedures exist in about half the states to enable dissatisfied communities to replace their board members through a recall petition.

Legal action is another option: Most state laws provide a mechanism through which citizens can file a formal complaint with the appropriate local or state agency. However, parents should not automatically expect prompt action against local boards following the filing of a complaint. Enforcement of the open meeting laws does not appear to be a high priority with most state officials. They may simply inform the local board of the complaint and expect the board members to comply with the law. Or they may look the other way, or suggest that citizens take the matter up at the board level and bring suit privately if they are not satisfied.

In that case, it would not be unreasonable to contact a state representative or senator who could bring political pressure on the attorney general's office to take action.

It may well be necessary to make many contacts and try many strategies to bring about compliance with the law or changes in policies and practices. The "Whom to Contact" section on each state page in Appendix I, listing state or local officials who can advise citizens on their rights and on how and where to submit a grievance, is a good place to start. If these contacts are not helpful, the state school boards associations (listed in Appendix III) might provide useful information and assistance.

What School Boards Can Do

When new members are elected to school boards, they should be fully informed about the state laws and local policies they are legally bound to follow, including open meeting laws. Citizen groups, if necessary, should see to it that this is done, and school board members should realize too, that they have the power to adopt policies and practices which will increase the accessibility of the public to their deliberations and actions.

The handbook entitled *Becoming a Better Board Member*, published by the National School Boards Association, lists the following suggestions to increase public participation and support:

- Do more than list the meeting schedule in the local newspaper. Place notices at other public buildings, put meeting notices in school newsletters, and make announcements at related public meetings.
- Make it convenient for citizens to attend, by scheduling meetings at an accessible place and a convenient time.
- Provide ample parking and comfortable seating.
- Arrange the agenda to let citizens speak early in the meeting.
- Place copies of the agenda near the doors where people can pick them up as they arrive.
- Prepare a brochure explaining the board's responsibilities, policies, and procedures, and how members of the public can express their views.
- Appoint citizens to serve on advisory committees to study, research and report on specific school problems under consideration.[12]

If the state has published a booklet about open meeting laws, the local school board might obtain a large quantity to distribute to parents and citizens. If none exists, they might form a citizens committee to prepare and print such a publication, which could include information on state law and on local policy.

Closing Remarks

As we continue to insist on education reform into the last decade of the twentieth century, it would be naive to think we could stop with classroom technique, better disciplined students or even school building accountability. Perhaps first and foremost, school boards and top local school administrators must answer to the public. Effective implementation of recent public education improvement initiatives rests directly with school boards, local educators and the local communities they represent. We hope this publication will serve the best interests of both the public and the school boards who attend to the needs of its children.

If you have questions about what you have read here or wish to comment on open meeting laws where you live call 1-800 NET WORK. NCCE's help line is available to serve you.

Endnotes

1. Michael Ollove and Jane Rosenberg, "Evasion of Open Meeting Laws Appears Widespread," *The Baltimore Sun*, March 5, 1989, Section B, p.1.

2. *Becoming a Better Board Member: A Guide to Effective School Board Service* (Washington, D.C: The National School Boards Association 1982), p.41.

3. "Open Government in the States" (Washington, D.C.: Common Cause, 1983), p.1.

4. *Becoming a Better Board Member*, P.42.

5. Ibid.

6. *Open Meeting Laws, 1989* (Sacramento: California Attorney General's Office, 1989), p.33.

7. Sidney A. Freund, "Answer these Questions and Polish Your Board's Public Image," *The American School Board Journal* (October, 1984), p.31.

8. *School Boards: Strengthening Grass Roots Leadership* (Washington, D.C.: Institute for Educational Leadership, 1986), P.48

9. Leon Wynter, "Closed Doors: P.G. County School Board Avoided Public Eye in Secret Meetings 43 Times Recently," *The Washington Post*, March 155, 1984, Maryland Section, p.1

10. *Becoming A Better Board Member*, P.44.

11. Ollove and Rosenberg, P.1.

12. *Becoming a Better Board member*, P.41.

Glossary

ELECTRONIC MEETING: A meeting at which all members of the organization are not together physically, but are able to communicate with each other so that each member can interact with all other members at any time, by such means as teleconferencing or conference phone call facilities.

EXECUTIVE SESSION: A meeting of a public body from which the general public is excluded. Such meetings may only be held legally in certain specifically delineated circumstances, when the sensitivity of the discussion is judged by law to outweigh the public's right to know the content of the discussion.

INJUNCTION: A court order barring a person or entity from taking or continuing to take certain actions.

OPEN MEETINGS LAW: Legislation currently effective in all 50 states guaranteeing the public's right to be notified of, to attend, and in some cases to participate in most meetings of government bodies.

OPEN RECORDS LAW: Companion legislation to the open meetings laws in each state, open records laws guarantee the public's right to access most documents and records of public bodies.

PLAINTIFF: The person who initiates a civil law suit against another person or entity.

PRO FORMA VOTE: A vote taken simply to comply with a legal requirement, such as that taken with no discussion of the issue in open session, after a school board has in fact deliberated and reached consensus in executive session.

QUORUM: The minimum number of members of an organization who must participate in a meeting in order for official business to be transacted legally; often, a simple majority of all members meeting in person or by electronic means.

RECONVENED, CONTINUED, OR ADJOURNED MEETING: A meeting which is called to finish the business on the agenda of a previously scheduled meeting.

REGULAR MEETING: A meeting for which the time and place is usually scheduled annually in the organization's bylaws or other official documents and/or is on file with the local governmental jurisdiction, and at which the normal business of the agency or organization is transacted.

SERIAL, OR ROTATING, MEETING: A number of interchanges between various members of an agency or organization, such as a succession of phone calls between a board chairperson and board members, in which opinions and information about official business are exchanged or decisions made. Serial meetings are sometimes used to circumvent open meeting laws.

SPECIAL MEETING: Any meeting of a public body other than a regular or emergency meeting, including adjourned, reconvened or continued meetings.

STRAW POLL (OR STRAW VOTE): An unofficial poll or vote taken to assess the degree of consensus on, or the general inclination for or against a candidate or an issue.

SUNSHINE LAW: Legislation designed to assure that government bodies conduct public business in public view (see open meetings law and open records law).

WHISTLE-BLOWER: One who alerts authorities or the public to official wrongdoing, such as a school district employee who "blows the whistle" on a board's systematic misuse of executive sessions.

WRIT OF MANDAMUS: a court order demanding that an official carry out certain aspects of his/her official duty.

Appendix I

Summaries of State Open Meeting Laws as They Apply to Local School Boards

Alabama

CITATION: *Alabama Code Section 13A-14-2*

Public Notice Of Open Meetings:

- Not addressed in this legislation

Minutes Available To Public:

- Not addressed in this legislation

Public Right To Speak:

Not provided by this legislation

Executive Sessions:

Public Notice:

- Not required by this legislation

Topics Permitted:

- "When the character or good name of a woman or man is involved"

Action Permitted:

- "The law intends that the whole deliberative process be open...rather than that there be the mere formal announcement of decisions already made in private" (*Miglionico V. Birmingham News Co., 378 So. 2d 677* (Ala. 1979))

Penalty For Board Noncompliance:

- Fine of not less than $10 nor more than $500

Whom To Contact:

For More Information or To File a Complaint:

- Office of General Counsel
Alabama Department of Education
5103 Gordon Persons Building
50 N. Ripley Street
Montgomery, Alabama 36130
205/242-1899

Alaska

CITATION: *Chapter 2, Administrative Procedure Act, Article 6, Section 44.62.310*

Public Notice Of Open Meetings:

- Reasonable notice must include date, time and place, and location of any teleconferencing facilities, if applicable

Minutes:

- Not addressed in this legislation

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Meeting must first be convened as a public meeting
- Motion for executive session must mention subjects to be discussed, and must be decided by a majority vote
- Only subjects mentioned in the motion may be discussed

Topics Permitted:

- Matters adversely affecting finances of the board
- Subjects which might prejudice the reputation and character of any person (that person may request public discussion)
- Matters required by law to be kept confidential

Action Permitted:

- No action may be taken at the executive session.

Penalty For Board Noncompliance:

- Action is void

Additional Comments:

- Teleconferences are permitted but materials to be considered at such a meeting must be available at teleconference locations, and all votes must be by roll call

Whom To Contact:

For More Information:
- Deputy Commissioner, Alaska State Department of Education
PO Box F
Juneau, Alaska 99811
907/465-2800

To File a Complaint:
- Local District Attorney

Arizona

CITATION: *Arizona Revised Statutes 38-431* Open Meeting Law;
ARS 15-8-43 Pupil Disciplinary Proceedings

Public Notice Of Open Meetings:

- Time, date and place at least 24 hours in advance
- Official statement of where public notice will be posted must be filed with Clerk of the Board of Supervisors
- Posted at each meeting in accordance with filed statement
- Reasonable and practicable additional notice should be given
- Agenda, or information on how to obtain it, must be included in notice or distributed separately 24 hours in advance

Minutes Available To Public:

- Within 3 days
- Must include date, time and place; members recorded as present or absent; general description of matters discussed or considered; accurate description of all legal actions proposed, discussed or taken, and names of members who proposed each action; names of persons making statements or presenting material to the board and reference to the specific action addressed

Public Right To Speak:

- Not provided by Open Meeting Law or Pupil Disciplinary Proceedings

Executive Sessions:

Public Notice:
- At least 24 hours in advance

- Requires majority vote in open session of regular meeting or of a properly noticed special meeting called for that purpose
- May be held during open sessions if proper notice has been posted 24 hours in advance
- If closed session voted on at regular meeting session cannot be held for 24 hours
- Agenda for closed session must contain general description of matters to be considered
- Minutes must include date, time and place; members present or absent; general description of matter discussed

Topics Permitted:

- Personnel
- Records exempted by law
- Legal advice including litigation
- Discussions regarding negotiations with employee organization
- Purchase or lease of real property
- Student Discipline

Action Permitted:

- No legal action involving a final vote or decision may be taken in closed session

Penalty For Board Noncompliance:

- Actions taken in violation are null and void
- Civil penalties may be awarded
- Board member may be removed from office and personally assessed attorney's fees

Additional Comments:

- Public may use tape recorders, cameras, etc. at open meetings
- Open Meeting Law materials must be officially distributed to all board members prior to taking office

Whom To Contact:

For More Information:

- Secretary of State
State of Arizona
Capitol-West Wing
Phoenix, Arizona 85007
602/255-4285

To File a Complaint:

- County Attorney

or

*State Attorney General's Office
1275 W. Washington Street
Phoenix, Arizona 85007
602/289-1610

Arkansas

CITATION: *Arkansas Statute Annotated Sections 12-2801 et seq.* Freedom of Information Act; *Arkansas Code Annotated 6-18-507, subsection C*

Public Notice Of Open Meetings:

- Time and place furnished to anyone requesting it
- For special meetings, time, date and place must be furnished two hours in advance to media who have requested it

Minutes Available To Public:

- Not addressed in this legislation

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Board must approve a motion to enter closed session

Topics Permitted:

- Personnel
- Student Discipline (student may request open meeting)

Action Permitted:

- No resolution, ordinance or regulation arrived at in closed session is legal unless the board reconvenes in open session to vote on it

Penalty For Board Noncompliance:

- Fine of up to $200 and/or 30 days in jail; or
- Community service and/or education
- Costs or litigation may be awarded to prevailing party

Whom To Contact:

For More Information:
- Arkansas Attorney General's Office
201 E. Markham
Little Rock, Arkansas 72201
501/682-2007; 1/800/482-8982

To File a Complaint:
- Prosecuting Attorney of the appropriate county

Publications:

- *20 Years of the FOIA*
Attorney General Steve Clark, 1989. 26pp.

California

CITATION: *Government Code 54950-54962* Ralph M. Brown Act
California Education Code Article 3, Sections 35140-35146

Public Notice Of Open Meetings:

- Time, date, location and agenda posted conspicuously at least 72 hours in advance of regular meetings and 24 hours in advance of special meetings
- Mailed to any district landowner filing written request

Minutes Available To Public:

- Must include record of all actions taken

Public Right To Speak:

- Agenda for a regular meeting must provide opportunity for public to speak; public must be able to place appropriate matters on agenda, and to address the board regarding agenda items as such items are taken up
- Public may speak on matters not on agenda, provided no action is taken by the board at the same meeting

Executive Sessions:

Public Notice:
- Noticed like other meetings

* Conducted during regular or special meetings, but need not have appeared on the agenda (according to a court ruling)
* General legal justification must be given, but description of closed session item on the agenda may be modified to protect the privacy of an individual or the conduct of pending litigation

Topics Permitted:
* Personnel (employee may require a public hearing when specific charges or complaints against him/her will be discussed); this is not applicable to elected officials
* Labor negotiations
* Pending litigation
* Security
* Student discipline, except expulsion (student may request public hearing). Student must be notified in advance and final action of the board must be taken in open session

Action Permitted:
* Board must report at public meeting during which closed session was held or at its next public meeting, any action taken, and any roll call vote taken to appoint, employ or dismiss an employee
* No final action regarding student discipline may be taken in closed session

Penalty For Board Noncompliance:
* Action taken in violation may be null and void
* Failure to post an agenda item may void any action on the item
* Attorney's fees may be awarded to the successful party

Additional Comments:
* Video teleconferences authorized for limited purposes
* Serial meetings are prohibited
* Public has right to tape record meetings
* Agendas or any other writings other than confidential documents distributed to all or a majority of board for discussion or consideration at a public meeting must be made available to the public
* Public need not register or provide any information as a condition of attendance at open meeting

Whom To Contact:

For More Information:
- General Counsel's Office
California State Department of Education
721 Capitol Mall
PO Box 944272
Sacramento, CA 94244
916/445-4694

- Office of the Attorney General
1515 K Street, Ste. 600
PO Box 944255
Sacramento, CA
916/326-5437
or
3580 Wilshire Blvd., Ste. 800
Los Angeles, CA 90010
213/736-2273

To File a Complaint:
- Local district attorney

Publications

- *Open Meeting Laws--1989*
California Attorney General's Office 99pp.

Colorado

CITATION: *Colorado Revised Statutes Article 9, 29-9-101* Public Meetings; Section *22-32-108* School District Boards--Powers and Duties

Public Notice Of Open Meetings:

- Regular meetings must be held at time and place noted in board's bylaws
- Special meetings may be called by board president at any time, upon written request of a majority of members

Minutes Available To Public:

- Minutes of open meetings available for public inspection

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Majority vote of members present

Topics Permitted:

- Consideration of documents or testimony given in confidence
- Issues that may be subject to negotiation, or are currently in negotiation

Action Permitted:

- No final policy decisions, resolutions, or actions approving a contract or calling for payment of money may be adopted

Penalty For Board Noncompliance:

- Actions taken in violation shall be null and void

Whom To Contact:

For More Information:

- Assistant Commissioner for Accountability and Accreditation
Colorado Department of Education
201 E. Colfax
Denver, Colorado 80203
303/866-6678

To File a Complaint:

- State Commissioner of Education
201 E. Colfax
Denver, Colorado 80203
303/866-6808
- Complaints should first be directed to the administrator of the school district. State enforcement power over local school districts in Colorado is very limited

Connecticut

CITATION: *Chapter 3, Section 1-7 et seq.* Public Records and Meetings

Public Notice Of Open Meetings:

- Schedule of regular meetings must be filed annually
- Any person may file written request for notification of each regular and special meeting
- Agenda of regular meetings available 24 hours in advance
- Special meetings must be noticed at least 24 hours in advance

Minutes Available To Public:

- Within 7 days
- Votes must be reduced to writing and available within 48 hours

Public Right To Speak:

- Not provided in this legislation

Executive Sessions:

Public Notice:

- Requires a vote of 2/3 of the members present, taken at an open meeting, and stating legal justification for closed session

Topics Permitted:

- Pending claims or litigation
- Personnel (unless employee requests an open meeting)
- Lease, sale, or purchase of real property
- Security
- Matters required by law to be kept confidential

Action Permitted:

- Not addressed in this legislation

Penalty For Board Noncompliance:

- Actions taken in violation may be declared null and void
- Civil penalty of not less than $20 nor more than $1,000 may be imposed on defendant, if found guilty, or on plaintiff if suit is found to be frivolous

Additional Comments:

- Public may record, photograph or broadcast open meetings
- Public need not register or provide any information as a condition of attending open meeting

Whom To Contact:

For More Information or To File a Complaint:

* Freedom of Information Commission
97 Elm Street
Hartford, Connecticut 06106
203/566-5682

Delaware

CITATION: *Title 29, Chapter 100, Freedom of Information Act, Section 10004* Open Meetings

Public Notice Of Open Meetings:

- At least 7 days in advance for regular meeting
- Must include date, time and place, plus agenda if possible
- Agenda must be added at least 6 hours before meeting
- At least 24 hours for special or rescheduled meeting, with explanation of why 7-day notice could not be given
- Posted at a conspicuous location and at the place where the meetings are usually held

Minutes Available To Public:

- Recorded at all meetings, including closed sessions
- Must include record of members present, and of each vote taken (by individual member) and each action agreed upon

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- At least 7 days in advance
- May be called by a majority of members present at regular meeting. The results of that vote are recorded in minutes
- Purpose of session must be included in agenda

Topics Permitted:

- Personnel (in some cases employee may request open meeting)
- Site acquisitions for capitol projects
- Collective bargaining
- Pending or potential litigation
- Student discipline or competency/ability (unless student requests open meeting)

Action Permitted:

- All votes on public business take place in open meeting

Penalty For Board Noncompliance:

- Any action in violation may be voidable in Court of Chancery
- Burden of proof in legal suit shall be on the board

Whom To Contact:

For More Information:

* Department of Public Instruction
Public Information Office
Townsend Building
PO Box 1402
Dover, Delaware 19903
302/736-4629

To File a Complaint:

* Attorney General's Office
820 French Street
Wilmington, Delaware 19501
302/821-2500

District of Columbia

CITATION: *D.C. Code Sections 1-1504; 31-101 (e); 33-510*

Public Notice Of Open Meetings:

- Regular meetings held monthly on a uniform day of a uniform week, determined at annual meeting
- Notice of special meetings not called at a meeting with all members present must be conspicuously posted at school district office and at least two other public buildings 24 hours in advance, and must include time and place

Minutes Available To Public:

- Within reasonable amount of time
- Must include record of all members present; all motions, resolutions, orders or ordinances proposed and their disposition; results of all votes and, upon request of any board member, the vote of each member by name
- Minutes of closed session must contain sufficient information to convey matter discussed

Public Right To Speak:

- Only if specifically provided by common consent of board members present or under waiver of the rules
- Public may be placed on agenda after notifying Executive Secretary at least 24 hours in advance
- Members of audience who are not on agenda may be heard after completion of agenda at discretion of the chair

Executive Sessions:

Public Notice:

- If only a closed session will be held notice must include legal justification for closed session

Topics Permitted:

- Personnel
- Any other matter

Action Permitted:

- No final policy decision may be made in closed session on any matter except personnel

Penalty For Board Noncompliance:

- No resolution, rule, act, regulation or other official action is effective unless taken, made, or enacted in open session

Whom To Contact:

For More Information:

- Executive Secretary to the D.C. Board of Education
415 12th Street NW, Room 1205
Washington, D.C. 20004
202/724-4289

To File a Complaint:

- Office of the Superintendent of Schools
Legal, Regulatory, and Legislative Services Branch
415 12th Street NW, Room 1114
Washington, D.C. 20004
202/724-4276

Florida

CITATION: *Florida Statutes, Sections 286.011 and 447.605*

Public Notice Of Open Meetings:

- Courts have stated that reasonable notice must be given
- Attorney General's Office suggests that notice should contain time and place and agenda (if available); that notice be prominently displayed; that press releases and/or phone calls to the wire services are "highly effective"

Minutes Available To Public:

- Minutes must be promptly recorded and open to public inspection

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Not required by this legislation

Topics Permitted:
- Collective bargaining discussions between the chief executive officer, or his representative, and the legislative body
- Hearings to challenge material in student's records if requested by parent, guardian, or student
- Hearings on exceptional student's placement in special education program

Action Permitted:
- No resolution, rule, regulation, or formal action shall be considered binding except as taken at an open meeting

Penalty For Board Noncompliance:

- Violation is a non-criminal infraction, punishable by fine not exceeding $500
- Reasonable attorney's fees may be awarded
- Injunction may be issued where law has been violated

Whom To Contact:

For More Information:

* General Counsel, Florida Department of Education
The Capitol
Tallahassee, Florida 32399
904/488-5030
or
* First Amendment Foundation
336 E. College Avenue, Suite 103
Tallahassee, FL 32301
904/222-5790

To File a Complaint:
- Local State Attorney

Publications:

Government-In-The-Sunshine Manual: A Reference for Compliance with Florida's Public Records and Open Meetings Laws. 1989 Edition, Volume 11, 290 pages Published by First Amendment Foundation, 336 E. College Ave., Suite 103, Tallahassee, FL 32301. $5.50.

Georgia

CITATION: *Chapter 14, Sections 50-14-1 to 50-14-6* Open and Public Meetings

Public Notice Of Open Meetings:

- Time, place and dates of regular meetings posted and maintained in a conspicuous place at the board's regular meeting place
- When time or place of regular meeting is changed, notice must be posted at least 24 hours in advance

Minutes Available To Public:

- Agenda of subjects acted upon and names of board members present must be available within two business days of the meeting
- Minutes, including names of members present, description of each motion or other proposal made, and a record of all votes, available no later than immediately following the next regular meeting

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Open meeting must always be held before closed session
- Date, time and legal justification must be given
- Majority of a quorum present must vote in public for closed session

Topics Permitted:

- Personnel (but not for discipline or dismissal)
- Pending or potential litigation
- Acquisition of real estate

Action Permitted:

- Not addressed in this legislation

Penalty For Board Noncompliance:

- Knowing and willful violation is a misdemeanor punishable by a fine not to exceed $500
- Official action taken in violation is not binding
- Reasonable attorney's fees and court costs may be awarded

Whom To Contact:

For More Information:
* Public Information and Publications Division
Georgia Department of Education
2052 Twin Towers East
Capitol Square
Atlanta, Georgia 30334
404/656-2476

To File a Complaint:
* Attorney General's Office
132 State Judicial Building
Department of Law
Atlanta, Georgia 30334
404/656-3300

Hawaii

CITATION: *Hawaii Revised Statutes, Chapter 92* Public Agency Meetings and Records

Public Notice Of Open Meetings:

- Written notice filed with Lt. Governor's Office, or county clerk at least 6 days in advance
- Must include date, time and place, and agenda
- Posted at site of meeting, when feasible
- Mailed, no later than time agenda is filed, to persons requesting it

Minutes Available To Public:

- Within 30 days, except for those of closed session which may be withheld only for so long as publication would defeat the lawful purpose of the session
- Must include date, time and place; board members recorded as either present or absent; substance of all matters proposed, discussed or decided; a record, by individual member, of all votes; any other information which any member requests be included or reflected

Public Right To Speak:

- May address any agenda item
- May also submit written data or arguments on any agenda item

Executive Sessions:

Public Notice:

* Requires recorded vote of 2/3 members present taken in open meeting, provided affirmative vote constitutes a majority of all members to which board is entitled

* Legal justification is publicly announced

Topics Permitted:

* Personnel (employee may request open session)

* Labor negotiations

* Real property negotiations

* Consultation with board's attorney

* Security

Action Permitted:

* Not addressed in this legislation

Penalty For Board Noncompliance:

* Any final action voidable upon proof of willful violation

* Board may face civil suit

* Court may order reasonable attorney's fees and court costs to prevailing party

* Court may order stay of board decision for the public good

* Person who willfully violates law is guilty of misdemeanor and upon conviction, may be summarily removed from board

Additional Comments:

* Public may tape record open meetings

* Items may be added to filed agenda only with a recorded 2/3 vote of all members, provided no item is added if it is of reasonable major importance and action thereon will affect a significant number of persons

For More Information:

* Hawaii State Board of Education
1390 Miller Street, Room 405
Honolulu, Hawaii 96813
808/548-6502

To File a Complaint:

* Hawaii State Attorney General
State Capitol Building
Honolulu, Hawaii 96804
808/548-4740

Idaho

CITATION: *Idaho Code, Sections 67-2340 to 67-2347* The Open Meeting Law; and *Section 33-402*

Public Notice Of Open Meetings:

- Notice of elementary school annual meeting and annual budget hearing must be posted for at least 10 days and published in local newspaper

Minutes Available To Public:

- Within a reasonable time
- Must include record of all members present; all motions, resolutions, orders or ordinances proposed and their disposition; results of all votes and upon request of a member, the vote of each member by name
- Minutes of closed session may provide limited information to the public, but must include "sufficient detail to convey the tenor of the meeting"

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Must be given to general public, stating legal justification
- Requires 2/3 vote of the board. Presiding officer must state legal justification prior to vote, and individual vote of each member must be recorded in minutes

Topics Permitted:

- Personnel
- Student discipline
- Labor negotiations
- To acquire an interest in real property
- Pending or probable litigation
- Records which are exempt by law from public inspection

Action Permitted:

- No final action may be taken in closed session

Penalty For Board Noncompliance:

- Action taken in violation is null and void

Whom to Contact:

For More Information:
*Idaho Department of Education
Office of the Deputy Attorney General
Len B. Jordan Building
650 W. State Street
Boise, Idaho 83720
208/334-3300

To File a Complaint:
* Attorney General of Idaho
State House
Boise, Idaho 83720
208/334-2400

Publications:

* *Idaho Open Law Manual*
Office of the Attorney General, 1986. 16pp.

Illinois

CITATION: *Chapter 102, Section 41 et seq.* Open Meetings Act; *Chapter 122, Section 10-16 of the School Code*

Public Notice Of Open Meetings:

- Date, time and place of regular meetings made public at beginning of each year
- Notice of special, rescheduled, or reconvened meetings at least 24 hours in advance
- Posted at board of education office
- Sent to each news medium which requests notification
- Public notice of agenda required for special and reconvened, but not regular, meetings
- At least 10 days notice for change in a regular meeting date

Minutes Available To Public:

- Within 7 days of approval by the board
- Must include date, time and place; members recorded as present or absent; general description of all matters proposed, discussed, or decided; record of any votes taken
- Minutes of closed meetings must be kept and made available after confidentiality no longer required

Public Right To Speak:

- At each regular and special open meeting, public must be allowed reasonable opportunity to address board (*Chapter 122, section 10-16 of School Code)*

Executive Sessions:

Public Notice:

- Majority vote of a quorum present at an open meeting
- Separate notice required for all other closed meetings

Topics Permitted:

- Collective negotiating
- Personnel
- Acquisition of real property
- Student discipline
- Individual students in special education
- Pending litigation
- Board's self-evaluation practices and procedures, or professional ethics

Action Permitted:

- No final action may be taken

Penalty For Board Noncompliance:

- Violation is a criminal offense punishable by fine of up to $500 and up to 30 days imprisonment
- Final action taken at closed meeting may be voided

Additional Comments:

- Public may record open meetings in most circumstances

Whom To Contact:

For More Information:

- State Attorney General
500 S. Second Street
Springfield, Illinois 62706
217/782-1090

To File a Complaint:

- State's Attorney of county

Publications:

- *Guide to the Illinois Open Meetings Act* Attorney General of Illinois, 1988. 64 pp.
- *The Open Meetings Law: A Guide for School Boards*, Illinois Association of School Boards, 1978, 16 pp.

Indiana

CITATION: *Indiana Code Section 5-14-1.5* The Open Door Law

Public Notice Of Open Meetings:

- Once a year for regular meetings, unless changes are made
- Date, time, and place made public at least 48 hours in advance
- Posted at the office of the board or at the building where meeting is held
- Mailed to news media requesting notification
- Agenda must be posted at entrance of meeting location

Minutes Available To Public:

- Within reasonable amount of time
- Must include date, time and place; members present and absent; substance of all matters proposed, discussed or decided; and a record of all votes taken
- Minutes of closed session must certify it discussed no subject not specified in its public notice

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Announced, including topic to be discussed, at an open meeting
- May not be conducted during another meeting unless specifically prescribed in another statute

Topics Permitted:

- Collective bargaining
- Probable or pending litigation
- Purchase or lease of real property
- Personnel

- Student's abilities, performance, behavior and needs before any placement decision
- Security
- Records classified as confidential by federal or state law
- To develop a list of prospective candidates and consider applications, in the process of appointing a public official

Action Permitted:
- All final action must be taken in open session

Penalty For Board Noncompliance:

- Policy, decision or final action taken in violation is void

Additional Comments:

- Voting by agenda item number only is not allowed

Whom To Contact:

For More Information:
- External Affairs
Indiana Department of Education
Room 229, State House
Indianapolis, Indiana 46204
317/232-6618

To File a Complaint:
- Office of the Attorney General
219 State House
Indianapolis, Indiana 46204
317/232-6201

Publications:

- *Opening the Doors to Indiana Government: A Guide to the Open Door Law*
Office of the Attorney General, 1988. 27 pp.

Iowa

CITATION: *Chapter 21, Code of Iowa* Official Meetings Open to Public

Public Notice Of Open Meetings:

- Time, place, date, and tentative agenda, 24 hours in advance
- Posted at conspicuous place at principal office of board or at building where meeting is held
- Must advise news media who have requested notification

Minutes Available To Public:

- Must show date, time and place, members present, action taken, and results of each vote
- Minutes and tape recording required for closed sessions, to be kept for one year and unsealed if ordered by court

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Public vote of either 2/3 of total board membership or of all members present
- Vote of each member and legal justification for closed session announced at open meeting and recorded in the minutes

Topics Permitted:

- Personnel
- Pending litigation
- Purchase of real estate
- Student suspension or expulsion (student may request open session)
- Records required by law to be kept confidential

Action Permitted:

- Final action taken in open session unless some other provision of the Code expressly permits such actions to be taken in closed session

Penalty For Board Noncompliance:

- Assessment of not less than $100 nor more than $500 against each member who participated in violation
- Actions taken in violation may be void

- Removal from board upon a member's third violation
- Litigation costs awarded to successful plaintiff

Additional Comments:

- Meetings must be held at a place reasonably accessible to public, and at a time reasonably convenient to public
- Electronic meetings allowed in limited circumstances
- Public may use cameras or recording devices at open meetings
- Ignorance of this law shall be no defense

Whom To Contact:

For More Information:
*Iowa Department of Education
Grimes State Office Building
Des Moines, Iowa 50319
515/281-5294

To File a Complaint:
- County Attorney

Kansas

CITATION: *Kansas Statute Annotated 75-4317 et seq.* Kansas Open Public Meetings Law

Public Notice Of Open Meetings:

- Date, time and place and/or agenda furnished to anyone requesting notification

Minutes Available To Public:

- Not addressed in this legislation

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:
- Upon affirmative vote, open sessions may be recessed, but not adjourned, for closed session
- Motion, including subject of closed session, legal justification, and time and place open session will be resumed, is recorded in minutes of open meeting

Topics Permitted:
- Personnel
- Employer-employee negotiations
- Matters adversely or favorably affecting student (student may request open session)
- Acquisition of real property
- Consultation with attorney
- Confidential data relating to financial affairs

Action Permitted:
- No binding action

Penalty For Board Noncompliance:
- Fine of not more than $500 for each willful violation
- Action taken in violation may be voidable
- Court costs may be awarded to prevailing party
- Burden of proof is on the board

Additional Comments:
- Public may photograph or record open meetings

Whom To Contact:

For More Information:
- Legal Services Section
Kansas State Department of Education
Kansas State Education Building
120 East 10th Street
Topeka, Kansas 66612
913/296-3204

To File a Complaint:
- County Attorney

or

*State Attorney General's Office
Kansas Judicial Center
301 W. 10th Street
Topeka, Kansas 66612
913/296-2215

Kentucky

CITATION: *Kentucky Revised Statutes 61.805 et seq.* Open Meetings of Public Agencies

Public Notice Of Open Meetings:

- Held at specified times and places convenient to public
- Schedule of regular meetings available to public

Minutes Available To Public:

- No later than immediately following the next board meeting
- Must include actions taken and a record of votes

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Business to be discussed and legal justification for it must be announced at regular open meeting
- Requires majority vote in open session

Topics Permitted:

- Personnel, to protect reputation (employee may request open session)
- Student discipline (student may request open session)
- Sale or purchase of real property
- Proposed or pending litigation
- Collective bargaining
- Meetings required by law to be private

Action Permitted:

- No final action

Penalty For Board Noncompliance:

- Final action taken in violation is voidable
- Individuals in violation may be fined up to $100

Additional Comments:

- Meeting room must allow effective public observation of meeting
- Public may record and broadcast open meetings
- No person need identify him/herself to attend open meeting

Whom To Contact:

For More Information:
* Office of Legal Services
Kentucky Department of Education
First Floor, Capital Plaza Tower
Frankfort, Kentucky 40601
502/564-4474

To File a Complaint:
* Attorney General's Office
State Capital
Frankfort, Kentucky 40601
502/564-7600

Louisiana

CITATION: *Louisiana Revised Statute 42:4.1 et seq.*

Public Notice Of Open Meetings:

- Annual written notice of regular meetings
- Date, time, place, and agenda must be given 24 hours in advance
- Posted at the office of the board, the building where the meeting is held, or published in an official journal
- Mailed to any member of news media who requests notification

Minutes Available To Public:

- Must include date, time and place of meeting, record of members present or absent, record of all votes, and substance of all matters decided

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Vote of 2/3 of members present at an open meeting
- The vote of each member and legal justification for session are recorded in minutes of the open meeting

Topics Permitted:

- Personnel (employee may request open meeting)
- Collective bargaining
- Litigation
- Problems of a student (student may request open session)
- Security

Action Permitted:

- No final or binding action

Penalty For Board Noncompliance:

- Actions taken in violation may be voided
- Reasonable attorney's fees and litigation costs awarded to prevailing party

Whom To Contact:

For More Information:

* Secretary of State's Office
PO Box 94125
Baton Rouge, Louisiana 70804
504/342-7013

To File a Complaint:

* District Attorney
or
State Attorney General
State Capitol
Baton Rouge, Louisiana 70804
504/342-7013

Maine

CITATION: *Maine Revised Statutes, Title I, Chapter 13*

Public Notice Of Open Meetings:

- In ample time to allow public attendance
- Disseminated in a way reasonably calculated to notify public

Minutes Available To Public:

- Promptly

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Recorded public vote of 3/5 of members present and voting
- Precise nature of legal justification stated at open session

Topics Permitted:

- Personnel (employee may request open session)
- Suspension or expulsion of student
- Acquisition, use, or disposal of real property
- Negotiations between employer and employees
- Consultation with attorney
- Records withheld from general access by law

Action Permitted:

- No actions may be approved in closed session

Penalty For Board Noncompliance:

- Fine of up to $500 for willful violation
- Action taken illegally in closed session is null and void

Additional Comments:

- Public may tape, film, or broadcast open meetings

Whom To Contact:

For More Information:
* Deputy Commissioner, Department of Educational and Cultural Services
State House Station 23
Augusta, Maine 04333
207/289-5112

To File a Complaint:
* Department of Education and Cultural Services
State House Station 23
Augusta, Maine 04333
207/289-5801

Maryland

CITATION: *MD Annotated Code, Section 4-106 of the Education Article; Sections 10-505-510 of the State Government Article*

Public Notice Of Open Meetings:

* Requires reasonable public notice
* Whenever reasonable, must be in writing and include date, time and place
* Delivered to members of media who regularly report on board sessions or school district activities
* May be posted or deposited at or near site of session, if prior notice given that this method will be used

Minutes Available To Public:

* As soon as practicable
* Must reflect each item considered, each action taken, and each vote recorded
* If board meets in closed session, minutes of next open session must include statement of time, place and purpose of closed session, record of vote of each member as to closing the session, and legal justification for closed session

Public Right To Speak:

* Not provided by this legislation

Executive Sessions:

Public Notice:
- Not required by state law; board may meet in closed session or adjourn an open session to a closed session

Topics Permitted:
- Land and site acquisitions
- Personnel
- To protect privacy or reputation of individuals with respect to a matter not related to public business
- Collective bargaining
- Consultation with counsel
- Investment of public funds or marketing of public securities
- To prepare, administer or grade scholastic...or qualifying exam
- Matters required by law to be kept confidential
- "To satisfy exceptional reason that, by 2/3 vote of members present, the board finds...so compelling that the reason overrides the general public policy in favor of open sessions"

Action Permitted:
- All final actions must be taken at open meeting

Penalty For Board Noncompliance:

- If willful, final action may be void
- May award attorney's fees and litigation costs to prevailing party

Whom To Contact:

For More Information:
- Principal Counsel to the Maryland State Department of Education
7 North Calvert Street, 6th Floor
Baltimore, Maryland 21202
301/576-6450

To File a Complaint:
- Clerk of Circuit Court

Massachusetts

CITATION: *Massachusetts General Laws, Chapter 39, Sections 23A-23C* The Open Meeting Law

Public Notice Of Open Meetings:

- Date, time and place at least 48 hours in advance
- Posted in office of clerk of the city or town, or on official bulletin board of the city or town, and at the office or official bulletin board of the school district

Minutes Available To Public:

- Must include date, time and place; members present or absent; and action taken, for both open and executive sessions
- Minutes of closed session may remain secret only as long as disclosure would defeat lawful purpose of session

Public Right To Speak:

- Only with permission of presiding officer

Executive Sessions:

Public Notice:

- Recorded roll call vote at open meeting
- Presiding officer must cite purpose for closed session and state whether board will reconvene after it

Topics Permitted:

- Personnel matters, but not including professional competence (employee must be notified at least 48 hours in advance and may request open meeting)
- Collective bargaining
- Litigation
- Purchase, exchange, value or lease of real property
- Security
- To comply with any law or federal grant-in-aid requirements

Action Permitted:

- All votes taken are recorded roll call votes and become part of the minutes of the closed session

Penalty For Board Noncompliance:

- Action taken may be invalidated, provided complaint is filed within 21 days of public knowledge of violation

Additional Comments:

- Public may tape record or videotape open meetings

Whom To Contact:

For More Information:
* Legal Office
Commonwealth of Massachusetts Department of Education
1385 Hancock Street
Quincy, Massachusetts 02169
617/770-7315

To File a Complaint:
- County District Attorney

Michigan

CITATION: *Public Act 267* The Open Meetings Act

Public Notice of Open Meetings:

- Within 10 days of setting of meeting schedule; if schedule is changed, notice must be given no more than 3 days after meeting at which change occurs
- Must include name, address and telephone number of board; time, date and place; statement indicating where minutes are available
- Mailed to anyone requesting notification
- Posted at main office of board and other appropriate locations

Minutes Available To Public:

- Within 8 days after open meeting
- Must be kept for all meetings, open or closed
- For open meetings, must include date, time and place; members present or absent; every decision made; all votes by individual member; and the purpose of any closed session
- Minutes of closed meetings are retained by county clerk for 1 year

Public Right To Speak:

- Public must be permitted to address board at an open meeting

Executive Sessions:

Public Notice:
- Same as for regular meeting, except in emergency
- Board may convene in closed session from open session or schedule separate closed session for later date
- A 2/3 roll call vote of all members is required, except for first 3 topics below

Topics Permitted:
- Personnel (if employee requests closed meeting)
- Dismissal, suspension or disciplining of a student (if student requests closed session)
- Collective bargaining
- Purchase or lease of property
- Pending litigation
- Material exempt from disclosure by state or federal law

Action Permitted:
- All actions must be voted upon in open session

Penalty For Board Noncompliance:

- Actions in violation may be invalidated
- Board member who intentionally violates law is personally liable in civil cases for damages up to $500, plus plaintiff's court costs and attorney's fees
- May also be guilty of a criminal misdemeanor punishable by fine of not more than $1,000 for first offense. For second offense within same term of office, may be fined up to $2,000, jailed for a maximum of 1 year, or both

Additional Comments:

- Stenographer's notes, tape recordings, dictaphone recordings, etc., of an open meeting must be available to public

Whom To Contact:

For More Information:
- Michigan Attorney General's Office
650 Law Building
525 W. Ottawa
Lansing, Michigan 48913
517/373-1116

To File a Complaint:
- County prosecutor

Publications:

Open Meetings Act, 1987
Linda Bruin, Michigan Association of School Boards, 37 pp.

Minnesota

CITATION: *Minnesota Statutes, 471.705* Open Meeting Law

Public Notice Of Open Meetings:

- Yearly schedule of regular meetings adopted at open meeting and filed at primary board office
- If meeting held other than above, posted notice on board's official bulletin board or on the door of the meeting room at least 3 days in advance; must also be mailed to any person so requesting or published in local newspaper 3 days in advance

Minutes Available To Public:

- Votes must be recorded and available to public
- Written roll of all persons present at a closed session must be available

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:
- Date, time and place posted on bulletin board or door of the meeting room 3 days in advance
- Board may, by majority vote in open session, hold closed session to consider strategy for labor negotiations. Time and place must be announced at the open meeting, and proceedings of the closed session must be tape recorded and kept for 2 years after contract is signed

Topics Permitted:
- Labor negotiations
- Teacher termination (if closed session requested by teacher)
- Pending litigation
- Student expulsion or exclusion (student may request open meeting)

Action Permitted:
*Not addressed in this legislation

Penalty For Board Noncompliance:

- Civil penalty not to exceed $100 against a member in willful violation
- Upon 3 violations, member forfeits board seat for a period of time equal to the term of office
- Reasonable attorney's fees and court costs awarded to prevailing plaintiff

Additional Comments:

- At least one copy of all printed materials relating to agenda items, and which are available to board members at or before the meeting, must be available in meeting room for public inspection

Whom To Contact:

For More Information:
* Government Relations
State of Minnesota Department of Education
710 Capitol Square Building
St. Paul, Minnesota 55101
612/296-6595

To File a Complaint:
* Local County Attorney

Mississippi

CITATION: *Chapter 41, Section 25-41-1 et seq.* The Mississippi Open Meetings Act

Public Notice Of Open Meetings:

- Times, places and procedures of meetings are announced in the minutes of the first regular meeting

Minutes Available To Public:

- Not later than 30 days after recess or adjournment of meeting

- For both open and closed sessions, must include date, time and place; record of members present and absent; any final actions taken; and a record, by individual member, of all votes taken

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Must proceed from an open meeting, after a 3/5 vote of all members present
- May, by majority vote, close a session to decide whether to declare a closed session
- Legal justification must be stated in open session and recorded in the minutes

Topics Permitted:

- Personnel
- Prospective litigation
- Prospective purchase, sale or lease of land
- Discussions between board and individual students, parents or teachers regarding problems of student
- Security

Action Permitted:

- Not addressed in this legislation

Penalty For Board Noncompliance:

- Chancery courts may issue injunctions or writs of mandamus

Whom To Contact:

For More Information:

- Bureau of External Relations
Mississippi Department of Education
PO Box 771
Jackson, Mississippi 39205

To File a Complaint:

- Chancery Courts of the State

Missouri

CITATION: *Section 610.010 et seq. of the Revised Statutes of Missouri* Governmental Bodies and Records

Public Notice Of Open Meetings:

- At least 24 hours in advance unless impossible or impractical
- Time, date and place, and tentative agenda given to media and posted in a prominent place
- Meetings held at a place reasonably accessible to public and at times reasonably convenient to public unless impossible or impracticable for good cause
- Every effort must be made to accommodate the handicapped

Minutes Available To Public:

- All votes in open session are recorded and if a roll call is taken, the record must reflect how each member voted

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Time, date, place and legal justification, given in accordance with above procedures for public notice or
- Majority vote of a quorum, taken in public; vote of each member and legal justification for closed session announced at open meeting and entered into minutes

Topics Permitted:

- Legal actions
- Lease, purchase or sale of real property
- Personnel
- Probation, expulsion, or graduation of a student
- Testing and examination materials
- Negotiations with employee groups
- Specifications for competitive bidding
- Sealed bids and related documents
- Records protected from disclosure by law

Action Permitted:

- Board is authorized to close meetings, records, or votes

Penalty For Board Noncompliance:

- Member may be subject to civil fine of not more than $300
- Action taken in violation may be voided
- Court costs and reasonable attorney's fees may be awarded to successful plaintiff

Additional Comments:

- Board may bring suit to determine the legality of closing a particular meeting, or may seek a formal opinion of the attorney general
- No person who in good faith reports a violation is civilly liable for making such a report nor, if such person is an officer or employee of the board, may such person be demoted, fired, suspended, or otherwise disciplined for making such report

Whom To Contact:

For More Information:
* Director of Public Information
Missouri Department of Elementary and Secondary Education
PO Box 480
Jefferson City, Missouri 65102
314/751-7606

To File a Complaint:
* Attorney General's Office
Supreme Court Building
Jefferson City, Missouri 65102
314/751-3321
*Circuit Court of the County

Montana

CITATION: *Montana Code Annotated, Section 2-3-102 et seq.; Montana Constitution, Article II, Sections 8,9,10*

Public Notice Of Open Meetings:

- Adequate notice required
- A news story or advertisement in local newspaper constitutes compliance
- May be supplemented by radio or television broadcast of a summary of notice

Minutes Available To Public:

* Must include date, time and place; members in attendance; substance of all matters proposed, discussed, or decided; at request of a member, a record by individual members of all votes

Public Right To Speak:

* Boards must develop procedures which permit and encourage citizen participation in decisions of interest to the public, and assisting public participation before final action is taken

Executive Sessions:

Public Notice:
* Presiding officer may close meeting to discuss exempted subjects

Topics Permitted:
* Litigation strategy
* Collective bargaining
* When individual's right to privacy outweighs public's right to know (unless individual waives right to privacy)

Action Permitted:
*Not addressed in this legislation

Penalty For Board Noncompliance:

* Decisions made in violation may be declared void
* Court costs and reasonable attorney's fees may be awarded to plaintiff who prevails

Additional Comments:

* Accredited press representatives may not be prohibited from photographing, televising or recording open meetings

Whom To Contact:

For More Information or To File a Complaint:
* Attorney General's Office
The Justice Building
215 N. Sanders
Helena, MT 59620
406/444-2026

Nebraska

CITATION: *Section 84-104 to 84-1414 of the Revised Statutes of Nebraska*

Public Notice Of Open Meetings:

- Reasonable advance notice of time and place by a method designated by board and recorded in its minutes
- Must either contain agenda of subjects known, or state that agenda is available for public inspection; agenda may not be altered later than 24 hours before meeting
- Reasonable efforts must be made to provide notice of time, place and agenda to local news media who have requested it

Minutes Available To Public:

- Within 10 days or prior to next meeting, whichever comes first
- Must include time and place; members present and absent; substance of all matters discussed; record of how each member voted, or if member was absent or not voting

Public Right To Speak:

- Board not required to allow citizens to speak at each meeting, but may not ban public participation at *all* meetings

Executive Sessions:

Public Notice:

- Majority vote of voting members, in open session
- Vote of each member, legal justification for closed session, and time convened and concluded must be recorded in the minutes

Topics Permitted:

- "May be held for, but shall not be limited to,"
- Collective bargaining
- Real estate purchase
- Litigation
- Security
- To prevent needless injury to the reputation of an individual (individual may request public meeting)
- Boards *cannot* discuss appointment or election of a new member in closed session

Action Permitted:

- No formal action may be taken in closed session

Penalty For Board Noncompliance:

- Motion, resolution, or action in violation may be void
- Court may award court costs and reasonable attorney's fees to successful plaintiff

Additional Comments:

- Public may videotape, televise, photograph, broadcast or record open meetings
- At least one copy of all reproducible written material discussed at meeting must be available to public at the meeting
- Boards cannot purposely hold a meeting in a place too small for the reasonably anticipated audience, other than its traditional meeting place

Whom To Contact:

For More Information:

- Nebraska Department of Education Legal Counsel
PO Box 94987
301 Centennial Mall, South
Lincoln, Nebraska 68509
402/471-2465

To File a Complaint:

- Local County Attorney

Nevada

CITATION: *Nevada Revised Statutes 241* The Nevada Open Meeting Law

Public Notice Of Open Meetings:

- Posted at least 3 days in advance at board's principal office or where meeting is to be held, and at least 3 other prominent places
- Must include time, place and agenda
- Must be mailed to those requesting notification

Minutes Available To Public:

- Within reasonable amount of time
- Must include date, time and place; members present and absent; substance of all matters proposed,discussed or decided and, at the request of any member, a record of each member's vote; any other information which any board member requests be included or reflected

- Minutes of closed sessions become public records when board determines that confidentiality is no longer required, and the person who's reputation could suffer has consented to disclosure

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:
- Motion to go into executive session, specifying legal justification for closed session, must be adopted in open session

Topics Permitted:
- Personnel
- Labor negotiations

Action Permitted:
- It is the intent of the law that all actions and deliberations be taken openly

Penalty For Board Noncompliance:

- Action taken in violation may be declared void
- Jail term of up to 6 months and/or fine not to exceed $500
- Board member convicted for knowing violation may lose right to sit on board (NRS 283.040 (1) (d))
- Costs of litigation may be awarded to successful plaintiff

Additional Comments:

- Meetings may be held via conference calls if public notice requirements are met and public has opportunity to listen in
- Meetings may be tape recorded

WhomTo Contact:

For More Information or To File a Complaint:

*State Attorney General
Capital Complex
Carson City, Nevada 89710
702/885-4170

Publications:

- *Nevada Open Meeting Law Manual*
Attorney General's Office, 1988. 35 pp.

New Hampshire

CITATION: *Revised Statutes Annotated Chapter 91-A* Access to Public Records and Meetings

Public Notice Of Open Meetings:

- Time and place posted in 2 appropriate places or printed in a local newspaper at least 24 hours in advance
- Agenda must be posted and made available

Minutes Available To Public:

- Within 144 hours
- Must include names of members; persons appearing before board; brief description of matters discussed and final decisions
- Minutes of closed sessions must record any decisions made

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Same as for open meetings
- Requires majority roll call vote of members present at open meeting, to be recorded in minutes. Matter to be discussed must be included in motion

Topics Permitted:

- Personnel (employee may request open session)
- Matters that would affect the reputation of an individual (other than a member of the board) (individual may request open session)
- Acquisition, lease or sale of property
- Collective bargaining
- Pending litigation

Action Permitted:

- Decisions reached in closed session must be publicly disclosed within 72 hours unless, in opinion of 2/3 of members present, disclosures would likely defeat purpose of closing the session

Penalty for Board Noncompliance:

- Actions taken in violation may be invalidated
- Costs of litigation may be awarded to successful plaintiff

Additional Comments:

- Public may use recording devices at open sessions

Whom to Contact:

For More Information:

* State Attorney General's Office
25 Capitol Street
Concord, New Hampshire 03301

To File a Complaint:

- Local courts

New Jersey

CITATION: *New Jersey Statute Annotated 10:4-6 et seq.* The Open Meetings Act

Public Notice Of Open Meetings:

* Are two types of notice which may be provided

** Annual notice: At least once a year, board must establish schedule of regular meetings and meeting place which must be posted in at least one public place reserved for this type of announcement; mailed to designated official newspaper; submitted to appropriate county or municipal office; sent to persons requesting such notice

** Adequate or 48 hour notice: Written notice at least 48 hours in advance giving time, date, location and tentative agenda, and stating whether any formal action may or may not be taken. Must be posted in at least one place reserved for same, sent to at least 2 newspapers, submitted to the appropriate county or municipal offices, and mailed to those requesting it

Minutes Available To Public:

- Promptly available
- Must include time and place; members present, subjects considered, actions taken, the vote of each member; any other information required to be shown by law to the extent that any of above information does not defeat purpose of a closed session

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- If resolution to go into closed session was passed at a prior open meeting, no additional notice is required
- Otherwise, requires 48 hours notice and at time of meeting, board must pass resolution in open session to go into closed session
- Resolution must state legal justification for closed session and, as precisely as possible, the time when, and circumstances under which the discussion can be publicly disclosed

Topics Permitted:

- Personnel (employee may request open session)
- Any matter which would constitute invasion of privacy (unless individual requests public session in writing)
- Any matter ruled confidential by law
- Collective bargaining
- Purchase, lease or acquisition of real property
- Security
- Pending litigation or attorney client privilege

Action Permitted:

*Not addressed in this legislation

Penalty For Board Noncompliance:

- Actions taken in violation may be voidable
- Member who knowingly violates law is fined $100 for first offense, no less that $100 nor more than $500 for subsequent offenses
- Courts have held that N.J. Commissioner of Education may also hear violation complaints

Additional Comments:

- Meetings may be by means of communication equipment

- A board member who believes board is in violation should have statement to that effect recorded in the minutes immediately

Whom To Contact:

For More Information:
- New Jersey State Department of Education
Bureau of Controversies and Disputes
Division of Executive Services
Trenton, New Jersey 08625
609/292-5705

To File a Complaint:
- Office of the New Jersey Commissioner of Education
Department of Public Advocate
Office of Citizens' Complaints, CN-850
Trenton, New Jersey 08625
800/792-8600

New Mexico

CITATION: *Article 15 Public Meetings* The Open Meetings Act

Public Notice Of Open Meetings:

- Reasonable notice set at least annually at a public meeting
- Agenda must be made public in advance

Minutes Available To Public:

- Must include date, time and place; names of members present and absent; substance of proposals considered and decisions made; votes taken recorded by individual member

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

* Majority vote of a quorum of the board in open session. Motion must state legal justification for the closed session and vote must be recorded in minutes
* If closed session does not proceed from open session, public notice appropriate under the circumstances and stating legal justification for closed session is required

Topics Permitted:

* Personnel (unless employee demands open session)
* Litigation
* Acquisition of real property
* Collective bargaining
* Purchase exceeding $2,500 which can be made only from one source

Action Permitted:

* Formation of public policy and voting must be conducted in open session

Penalty For Board Noncompliance:

* Action taken in violation is invalid
* Board member may be fined not more than $100 for each offense

Whom To Contact:

For More Information:

* State Attorney General's Office
PO Drawer 1508
Santa Fe, New Mexico 87504
505/825-6000

To File a Complaint:

* District Courts

New York

CITATION: *Public Officer's Law Article 7, Sections 100-111* Open Meetings Law

Public Notice Of Open Meetings:

- Time and place posted in one or more designated places and given to news media at least 72 hours in advance
- When meeting is scheduled less than a week in advance, notice must be posted to the extent practicable at a reasonable time prior to the meeting
- Reasonable effort made to hold meetings in handicapped-accessible facilities

Minutes Available To Public:

- Minutes of open meeting available within 2 weeks. Minutes of closed meeting available within one week
- Minutes of open sessions must include record or summary of all motions, proposals, resolutions and any matter formally voted on and the vote thereon
- Record of votes must be by individual members (N.Y. Freedom of Information Law)

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Majority vote of total board membership taken in open session
- Motion must describe general subject matter to be discussed

Topics Permitted:

- Personnel
- Pending or current litigation
- Collective bargaining
- Preparation, grading or administration of exams
- Acquisition, sale or lease of real property or proposed acquisition of securities

Action Permitted:

- School boards cannot vote in executive session (except in limited circumstances as provided by case law)

Penalty For Board Noncompliance:

- Action taken in violation may be void
- Cost of litigation may be awarded to successful party

Whom To Contact:

For More Information or To File a Complaint:

* Committee on Open Government
162 Washington Avenue, 4th Floor
Albany, New York 12231
518/474-2518

Publications:

* *Your Right to Know: New York State's Open Government Laws*
Committee on Open Government, 1988. 16pp.
* *A Pocket Guide to New York's Open Government Laws: The Freedom of Information Law and the Open Meetings Law*
New York State Department of State, 1988.
* *1988 Report to the Governor and Legislature*
Committee on Open Government, 1988. 39 pp. plus Appendices.

North Carolina

CITATION: *General Statute Article 33C, Sections 143-318.9 through 143-318.18*
Meetings of Public Bodies

Public Notice Of Open Meetings:

* Schedule of regular meetings kept on file, showing time and place
* Changes in schedule must be available at least 7 days in advance

Minutes Available To Public:

* Minutes of closed sessions may be withheld so long as disclosure would defeat purpose of closed session

Public Right To Speak:

* Not provided by this legislation

Executive Sessions:

Public Notice:

* Majority vote of those present and voting in open session. Motion must state general purpose of closed session

Topics Permitted:

- Personnel
- Litigation or attorney-client privilege
- Acquisition or lease of real property, or selection of site
- Collective bargaining and employment interruptions
- Discipline or reassignment of a student
- Employment, performance or discharge of an independent contractor
- To identify and choose recipients of honors, awards, honorary degrees or citations bestowed by the board
- Information required to be kept confidential by law

Action Permitted:

- No final action to appoint, discharge or remove an employee in closed session

Penalty For Board Noncompliance:

- Action taken in violation may be null and void
- Attorney's fees may be awarded to prevailing party
- Plaintiff need not prove special damage different from that suffered by the public at large

Additional Comments:

- Meetings may be by conference call or other electronic means if board provides a location (specified in the notice of the meeting) and means whereby public may hear proceedings. A fee of up to $25 may be charged to each listener
- Board may not deliberate, vote, or otherwise take action by any secret device or method intended to make it impossible for persons attending to understand what is going on
- Public may photograph, film, tape record, or otherwise reproduce open sessions

Whom To Contact:

For More Information:

- The Institute of Government
University of North Carolina, Chapel Hill
Chapel Hill, North Carolina 27599
919/966-4253

To File a Complaint:

- Superior Court

North Dakota

CITATION: *North Dakota Century Code Statutes 44-04-19 to 44-04-21*

Public Notice Of Open Meetings:

- Must include date, time, location and, where practicable, topics to be considered
- Schedule of regular meetings is set at beginning of year and made available to those requesting it
- Posted at board's main office and at location of meeting, and furnished to anyone requesting it
- Notice of special meetings, including date, time, place and topics, furnished to news media who have requested it

Minutes Available To Public:

- Must include results of every vote taken, and the vote of each member on every recorded roll call vote

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Not required by this legislation

Topics Permitted:

- To discuss contract renewal for first-year teachers

Action Permitted:

- All votes must be taken in public and all nonprocedural votes must be recorded by roll call

Penalty For Board Noncompliance:

- Not addressed in this legislation

Additional Comments:

- Conference call meetings are allowed, if proper notice is given

For More Information:
- Director of Finance
Department of Public Instruction
600 Boulevard Avenue, East
Bismark, North Dakota 58505
701/224-2260

To File a Complaint:
- County State's Attorney

or

- State Attorney General's Office
600 Boulevard Avenue, East
Bismark, North Dakota 58505
701/224-2210

Ohio

CITATION: *Ohio Revised Code 121.22* Open Meetings Law

Public Notice Of Open Meetings:

- Must adapt a reasonable method whereby public may determine time and place of all regularly scheduled meetings
- Time, place and purpose of special meetings must be given 24 hours in advance
- Provision for notification may include, but is not limited to, mailing agenda to all persons requesting it

Minutes Available To Public:

- Minutes of regular or special meeting must be promptly recorded and available
- Minutes of closed sessions need only reflect the general subject of discussion

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:
- Majority of a quorum, by roll call vote taken at a regular or special meeting. Motion and vote must state legal justification
- Public notice of subject matter is required

Topics Permitted:
- Personnel (employee may request open session)
- Student discipline (student may request open session)
- Purchase or sale of public property
- Pending or imminent litigation
- Collective bargaining
- Matters required to be kept confidential by law
- Security

Action Permitted:
- All resolutions, rules, or formal action of any kind must be adopted in open meeting

Penalty For Board Noncompliance:
- Court may order "civil forfeiture" of $100 from board
- Member who knowingly violates injunction may be removed from board
- Costs of litigation may be awarded to successful plaintiff

Whom To Contact:

For More Information:

*Ohio Department of Education Legal Counsel
Ohio Department's Building
65 South Front Street
Columbus, Ohio 43266

To File a Complaint:
- Court of Common Pleas

Oklahoma

CITATION: *School Laws of Oklahoma, Article II Sections 425-438*; Oklahoma Open Meeting Act

Public Notice Of Open Meetings:
- Date, time, place and agenda posted 24 hours in advance at board's principal office or at the meeting site
- List of regular meetings showing date, time and place available at office of county clerk

* Any schedule change for regular meeting must be given in writing at least 10 days in advance
* Special meetings require 48 hours notice to county clerk

Minutes Available To Public:

* Must show clearly all members present and absent, all matters considered, and all actions taken

Public Right To Speak:

* Not provided by this legislation

Executive Sessions:

Public Notice:
* Majority vote of a quorum of all members present

Topics Permitted:
* Personnel
* Confidential communications with attorney
* Suspension or expulsion of student (when student requests closed session)
* Employee negotiations
* Purchase or appraisal of real property
* Matters involving specific handicapped students
* Information required to be kept confidential by law

Action Permitted:
* All votes of each member must be publicly cast and recorded

Penalty For Board Noncompliance:

* Action taken in willful violation is invalid
* Willful violation punishable by a fine not to exceed $500, one year in county jail, or both

Additional Comments:

* Members must be personally together for meeting to take place

Whom To Contact:

For More Information:
* Oklahoma State Board of Education
Oliver Hodges Building
2500 N. Lincoln Boulevard
Oklahoma City, Oklahoma 73105
405/521-3308

To File a Complaint:
*Attorney's Office
Oklahoma State School Boards Association
2801 Lincoln Boulevard
Oklahoma City, Oklahoma 73105
405/528-3571

Oregon

CITATION: *Oregon Revised Statutes 192.610 to 192.690* Public Meetings

Public Notice Of Open Meetings:

- Must be "reasonably calculated to give actual notice to interested persons including news media which have requested notice of time and place for holding regular meetings"
- Must include general anticipated agenda
- Special meetings require 24 hours notice to media and public

Minutes Available To Public:

- Within a reasonable amount of time
- Must include a list of all members present; substance of matters and measures proposed and their disposition; results of all votes by individual member; and a reference to any document discussed

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:
* May be held during regular, special, or emergency meeting, after presiding officer has identified legal justification for closed session
* If closed session only is to be held, notice stating legal justification must be given to public and media

Topics Permitted:
* Personnel (employee may request open session)
* Labor negotiations
* Real property transactions
* Records which are exempt by law
* Pending or probable litigation
* Proposed acquisition, exchange or liquidation of investments

Action Permitted:
* No final action may be taken in closed session

Penalty For Board Noncompliance:

* Court will determine equitable relief, to include voiding of decision or payment to plaintiff
* Costs of litigation may be awarded to successful plaintiff

Additional Comments:

* Public must have notice of, and opportunity to listen to, an electronic meeting at time it takes place

Whom To Contact:

For More Information:
Director of Legal Services
Department of Education
700 Kringle Parkway, S.E.
Salem, OR 97312
503/373-7714

To File a Complaint:
* The courts

Pennsylvania

CITATION: *Section 65 Pennsylvania Statutes 271 (Act 84, 1986)* The Sunshine Act

Public Notice Of Open Meetings:

- Posted prominently at principal office of board or where meeting is to be held
- Public notice of schedule of regular meetings is required
- Place, date, time and purpose published in a local newspaper
- Direct notice by mail sent to those who request it

Minutes Available To Public:

- Must include date, time and place; members present; substance of all official actions; record by individual member of all roll call votes; names of all citizens who appeared officially and the subject of their testimony

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Legal justification must be announced at the open meeting occurring immediately prior or subsequent to the closed session
- May be held during an open session, at conclusion of open session, or announced for a future time

Topics Permitted:

- Personnel (employee may request open session)
- Collective bargaining and labor relations
- Purchase or lease of property
- Litigation
- Subjects where confidentiality is protected by law

Action Permitted:

- No official action may be taken in closed session

Penalty For Board Noncompliance:

- Actions taken in violation may be void
- Board member may be fined $100 plus court costs
- Court may impose attorney's fees for legal challenges commenced in bad faith

Additional Comments:

- Public may record open meetings

Whom To Contact:

For More Information:

* Pennsylvania State Board of Education
Harrisburg, Pennsylvania 17126
717/787-3787

To File a Complaint:

- Court of Common Pleas

Rhode Island

CITATION: *Chapter 46, Title 42, Sections 46-1 to 46-10, Rhode Island General Laws* Open Meetings

Public Notice Of Open Meetings:

- Posted at board's principal office or building where meeting will be held, at least one other prominent place, and in a local newspaper
- Schedule of date, time and place must be available at beginning of each calendar year
- Supplemental notice, including date, time, place and agenda, 48 hours in advance

Minutes Available To Public:

- Must include date, time and place; members recorded as present or absent; record by individual members of any vote taken; any other relevant information which any board member requests be included or reflected in the minutes
- Record of all votes taken available within 2 weeks
- Minutes of closed session available at next regularly scheduled meeting unless majority votes to keep them closed, under terms of the law

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:
- Majority vote in open session. Vote of each member and legal justification for closed session must be recorded in the minutes

Topics Permitted:
- Personnel (employee may request open session)
- Collective bargaining
- Litigation
- Acquisition, lease, or disposition of real property
- Security
- Investment of public funds

Action Permitted:
- Not addressed in this legislation

Penalty For Board Noncompliance:
- Action taken in violation may be null and void
- Fine not to exceed $1,000 may be imposed for willful violation

Additional Comments:
- Public may tape record open sessions

Whom To Contact:

For More Information:
* Office of Legal Counsel
Department of Education
22 Hayes Street
Providence, Rhode Island 02909
401/277-2057

To File a Complaint:
* Rhode Island Attorney General's Office
72 Pine Street
Providence, Rhode Island 02903
401/274-4400

South Carolina

CITATION: *Code of Laws of South Carolina, Sections 30-4-10 to 30-4-110* Freedom of Information Act

Public Notice Of Open Meetings:

- Notice of regular meetings, including dates, times and places, posted annually at board's principal office or meeting place
- Agenda posted on a bulletin board at the office or meeting place 24 hours in advance
- Must notify all media, persons or organizations which have requested it
- Notice for special meetings posted 24 hours in advance

Minutes Available To Public:

- Within a reasonable time except where such disclosure would be inconsistent with purpose of a legitimate closed session
- Must include date, time and place; board members present or absent; substance of all matters proposed, discussed or decided; at request of any member, a record by individual member of any votes taken; and any other information a member requests be included or reflected in the minutes

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Held following a vote in public session, at which legal justification is announced

Topics Permitted:

- Personnel (employee may request public hearing)
- Student discipline (student may request public hearing)
- Proposed sale or purchase of property
- Legal issues
- Discussion of board's position "in other adversary situations involving the assertion against (the board) of a claim"
- Proposed contractual arrangements
- Security

Action Permitted:

- No formal action may be taken in closed session

Penalty For Board Noncompliance:

- Fine of up to $100 or imprisonment for 30 days for first offense, not more than $200 or imprisonment of 60 days for second offense, $300 and not more than 90 days for subsequent offenses
- Costs of litigation may be awarded to successful plaintiff

Additional Comments:

- Public may record open meetings
- Meetings may be by means of electronic equipment

Whom To Contact:

For More Information or To File a Complaint:
* Legal Counsel
South Carolina Department of Education
1429 Senate Street
Columbia, South Carolina 29201
803/734-8492

South Dakota

CITATION: *Chapter 1-25* Meetings of Public Agencies

Public Notice Of Open Meetings:

- Posted, visible to public, at board's principal office
- Must include proposed agenda
- Notice of special or rescheduled meetings must be given to local news media who have requested it

Minutes Available To Public:

- Not addressed by this legislation

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:
- Majority vote of members present at open meeting

Topics Permitted:
- Personnel
- Student suspension, expulsion, or discipline
- Assignment or educational program of a student
- Consultation with counsel, pending litigation or contractual matters
- Employee negotiations

Action Permitted:
- Official action must be taken in open session

Penalty For Board Noncompliance:
- Actions taken in violation may be void

Whom To Contact:

For More Information or To File a Complaint:
- Deputy Attorney General
Attorney General's Office, State Capitol Building
Pierre, South Dakota 57501
605/773-3215

Tennessee

CITATION: *Tennessee Code Annotated Chapter 44 Sections 8-44-101 et seq.* Public Meetings

Public Notice Of Open Meetings:
- Adequate public notice

Minutes Available To Public:
- Must include record of persons present; all motions, proposals and resolutions offered; results of any votes taken; record of individual votes for any roll call votes.
- Written findings of a court against the board must also be recorded in minutes

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Not addressed in this legislation

Topics Permitted:

- Pending litigation against board (*Smith County Education Association v. Anderson* 676 S.W.2d 328 (Tenn. 1984))

Action Permitted:

- All votes must be by public vote, public ballot, or public roll call

Penalty For Board Noncompliance:

- Action taken in violation may be void

Whom To Contact:

For More Information or To File a Complaint:

- Office of the Attorney General
State of Tennessee
450 James Robertson Parkway
Nashville, Tennessee 37219
615/741-3491

Texas

CITATION: *Texas Revised Civil Statutes Article 6252-17* Open Meetings Law

Public Notice Of Open Meetings:

- Posted on bulletin board convenient to public at board's central office, visible at all times, 72 hours in advance
- Must include date, time, place and subject of meeting
- Notice by telephone or telegraph must be given to any media requesting it and consenting to pay for it
- Agenda must be made public in advance

Minutes Available To Public:

- Not addressed in this legislation

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Board must first convene in open session at which presiding officer has publicly announced that a closed session will be held and stated legal justification for it

Topics Permitted:

- Personnel (employee may request public hearing)
- Student discipline (student may request public hearing)
- Pending or potential litigation, settlement offers, and attorney-client privilege
- Purchase, exchange, lease, or value of real property
- Security
- Collective bargaining

Action Permitted:

- No final action, decision, or vote may be taken in closed session

Penalty For Board Noncompliance:

- Fine of $100 to $500 and/or imprisonment of 1 to 6 months

Additional Comments:

- Public may record open meetings

Whom To Contact:

For More Information:

* Texas Attorney General's Office
PO Box 12548
Austin, Texas 78711
512/463-2100
or
Director of Public Information
Texas Education Agency
1701 N. Congress Avenue
Austin, Texas 78701
512/463-9000

To File a Complaint:

- Local prosecutor in each county

Publications:

- *The People's Access to Government Guide*

Texas Attorney General's Office. 43pp.

Utah

CITATION: *Chapter 4, Sections 52-4-1 to 52-4-9* Open and Public Meetings

Public Notice Of Open Meetings:

- Posted at office of the board or at meeting place
- Public notice of regular meetings which are scheduled in advance must be given annually, including date, time and place
- Notice of date, time, place and agenda must also be given 24 hours in advance
- Provided to at least one local newspaper or local media

Minutes Available To Public:

- Within a reasonable time
- For open sessions, must include date, time and place; members present and absent; substance of all matters proposed, discussed or decided; a record, by individual member, of votes taken; names of all citizens who appeared and brief summary of their testimony; any other information that any member requests be included
- For closed sessions, must include date, time and place; names of members present and absent; names of all others present except when such disclosure would defeat purpose of closed session

Public Right To Speak:

- Citizens who wish to address board must be included on the agenda in advance (not in Open Meetings Law; State Ed. Department says right to speak is pursuant to Article I, Section 1 of Utah State Constitution)

Executive Sessions:

Public Notice:

- Affirmative vote of 2/3 members present at open meeting, provided a quorum is present
- Motion must include legal justification for closed session, and the vote cast by each member must be included in minutes

Topics Permitted:
- Personnel
- Collective bargaining
- Litigation
- Purchase of real property
- Security

Action Permitted:
*Not addressed in this legislation

Penalty For Board Noncompliance:

- Action taken in violation is voidable
- Costs of litigation may be awarded to successful plaintiff

Additional Comments:

- Meetings may be by means of electronic equipment
- Public may record open meetings

Whom To Contact:

For More Information:
* Coordinator of School Law and Legislation
Utah State Office of Education
250 East 500 South
Salt Lake City, Utah 84111
801/538-7832

To File a Complaint:
* County Attorney
or
* State Attorney General's Office
436 State Capitol
Salt Lake City, Utah 84114
801/538-1015

Vermont

CITATION: *1 Vermont Statutes Annotated, Sections 310-316*, based on *Chapter I, Article 6* of Vermont Constitution

Public Notice Of Open Meetings:

- Regular meetings require only a resolution or bylaw, and the specific schedule must be available on request
- Agenda must be produced on request
- Local news editor or publisher must be alerted
- Special meetings require 24 hours notice, given to an editor, publisher or news director of a local newspaper or radio station, and to any such member of the news media who requests it annually
- Notice of special meetings must also be posted in 3 locations 24 hours in advance

Minutes Available To Public:

- Within 5 days
- Must include clear indication of the business of the meeting; all members present as well as other active participants; result of votes with a record of the individual vote of each member if a roll call vote was called
- Minutes need not be taken in executive session

Public Right To Speak:

- Must be given reasonable opportunity to express opinions on board business

Executive Sessions:

Public Notice:

- May go into closed session within an open meeting
- Majority vote in open meeting, at which legal justification is given

Topics Permitted:

- Personnel (employee may request public hearing)
- Contracts or labor negotiations
- Legal action
- Mediation
- Discipline or academic records of a student
- Securing of real estate purchase options (the only case in which binding action may be taken in closed session)
- Documents or records exempted by law

Action Permitted:

- All resolutions, rules, regulations, appointments or formal actions must be passed in open session

Penalty For Board Noncompliance:

- Fine of up to $500

Additional Comments:

- Electronic meetings permissible as long as voters can hear everyone who is speaking

Whom To Contact:

For More Information:

- Deputy Secretary of State
Pavilion State Office Building
Montpelier, Vermont 05602
802/828-2363
800/642-5155

To File a Complaint:

- Office of the Attorney General
Pavilion State Office Building
Montpelier, Vermont 05602
802/828-3171

Publications:

Memo to school board chairpersons and superintendents from Deputy Secretary of State Paul Gillies re: "Open Meetings, 1988."
June 24, 1988. 8 pp.

Virginia

CITATION: *Chapter 21, Title 2.1,* Code of VA (1950) The Virginia Freedom of Information Act

Public Notice Of Open Meetings:

- Date, time and place furnished to any citizen who requests it

Minutes Available To Public:

- Minutes must be recorded at all public meetings

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Affirmative recorded vote in open session, stating legal justification and reasonably identifying matters to be discussed, with statement to that effect recorded in minutes

Topics Permitted:

- Personnel
- Condition, acquisition, use or disposal of real property
- Investing of public funds where competition or bargaining is involved
- Pending litigation and other legal matters
- Protection of privacy of individuals in personal matters not related to public business
- Discussion or consideration of tests, examinations, or certain other documents specifically exempted

Action Permitted:

- No action or vote adopted, passed or agreed to in closed session shall become affective unless board reconvenes in open session, identifies the substance of the action publicly, and votes in open session
- At conclusion of closed session, board must certify by recorded vote to be included in the minutes that the closed session was in compliance with the law. Any member who believes the law was violated must so state prior to the vote, and that statement must be recorded in the minutes

Penalty For Board Noncompliance:

- Fine of not less than $25 nor more than $1000 for willful violation
- Costs of litigation may be awarded to prevailing party

Additional Comments:

- Public may photograph, film, or record open sessions

Whom To Contact:

For More Information:
* Director of Community Relations
Virginia Department of Education
PO Box 6Q
Richmond, Virginia 23216
804/225-2023

To File a Complaint:
* Local Commonwealth Attorney

Washington

CITATION: *Revised Code of Washington Chapter 42.30* Open Public Meetings Act; *R.C.W. 28A.65.420; R.C.W. 28A.58.045(2); Chapter 42.32.030*

Public Notice Of Open Meetings:

* Time and place of regular meetings are established in board resolutions or by-laws
* Notice that board intends to adopt annual budget or consider sale of real property valued in excess of $70,000 must be published
* Special meetings require notice to local newspapers and to other media which have requested such in writing, specifying time, place, and business to be transacted, 24 hours in advance

Minutes Available To Public:

* All regular and special meetings must be promptly recorded

Public Right To Speak:

* Not provided by this legislation

Executive Sessions:

Public Notice:
* May be held during regular, special or emergency meeting after presiding officer announces legal justification for closed meeting, and the time when it will conclude

Topics Permitted:
* Personnel (employee may request open session in some cases)

- Acquisition, lease or sale of real property
- Performance of publicly bid contracts
- Contract negotiations
- Review of candidate qualifications for board appointment
- Litigation and certain other legal matters

Action Permitted:

- No ordinance, resolution, rule, regulation, order or directive may be adopted in closed or executive session

Penalty For Board Noncompliance:

- Fine of $100 may be assessed for willful violation
- Action taken in violation is null and void
- Costs of litigation may be awarded to prevailing party

Whom To Contact:

For More Information:

* Office of the Superintendent of Public Instruction
Old Capitol Building
Olympia, Washington 98504
206/753-2298

To File a Complaint:

*Superior Court

West Virginia

CITATION: *West Virginia Code Chapter 6, Article 9A* Open Governmental Proceedings

Public Notice Of Open Meetings:

- Board must promulgate rules by which time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings are made available, in advance, to the public and news media

Minutes Available To Public:

- Within a reasonable period of time
- Must include date, time and place; name of each member present and absent; all motions and actions proposed, name of person proposing them, and their disposition; results of all votes and, upon request of any member, the vote of each member by name

- Minutes of closed session may be limited to avoid disclosure of confidential information

Public Right To Speak:

- Public cannot be required to register more than 15 minutes before the meeting

Executive Sessions:

Public Notice:

- Held during a regular, special or emergency meeting after a majority vote. Presiding officer must identify legal justification for closed session

Topics Permitted:

- Personnel (employee may request open meeting)
- Student discipline (student may request open meeting)
- Matters likely to adversely affect a person's reputation
- Purchase, sale or lease of property, investment of public funds, or other such matters involving competition
- Security

Action Permitted:

- No decision can be made in closed session

Penalty For Board Noncompliance:

- Fine of $100 to $500 and/or imprisonment of up to 10 days for willful violation
- Action taken in violation may be invalidated

Whom To Contact:

For More Information:

- State Attorney General's Office
State Capitol Complex
Charleston, West Virginia 25305
304/348-2021

To File a Complaint:

- Local prosecuting attorney

Wisconsin

CITATION: *Wisconsin Statutes Subchapter IV of Chapter 19, Sections 19.81 to 19.98*
Open Meetings of Governmental Bodies

Public Notice Of Open Meetings:

- At least 24 hours in advance unless that is impossible or impractical for good cause
- Time, date, place and subject matter (including that intended for any contemplated closed session) given to news media who have requested it and to official newspaper or, if none exists, to a news medium likely to give notice in the area
- Agenda must be made public in advance

Minutes Available To Public:

- Must include motions and roll call votes

Public Right To Speak:

- Not provided by this legislation

Executive Sessions:

Public Notice:

- Majority vote of members
- Presiding officer must state general business to be considered and the legal justification, to be recorded in the minutes
- Board cannot commence a meeting, subsequently convene in closed session and then reconvene in open session within 12 hours after completion of closed session, unless the public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the original open session

Topics Permitted:

- Personnel (employee may request open session in most instances)
- Matters which would likely have substantial adverse effect on the reputation of a person
- Litigation
- Acquisition of property, investing public funds, or other specified business involving bargaining
- Employee negotiations

Action Permitted:

- Not addressed in this legislation

Penalty For Board Noncompliance:

- Fines of $25 to $300 for each violation
- Actions in violation may be voidable if court finds that public interest is better served by so doing

Additional Comments:

- Reasonable effort must be made to accommodate any person wishing to record, film or photograph open meeting

Whom To Contact:

For More Information:
*Attorney General's Office
Department of Justice
123 W. Washington Avenue
Madison, Wisconsin 53707
608/266-1221

To File a Complaint:
*District Attorney of County
or
*Attorney General

Wyoming

CITATION: *Wyoming Statutes 16-4-401 et seq.* Wyoming Open Meetings Law

Public Notice Of Open Meetings:

- Public may request notification of all regular meetings

Minutes Available To Public:

- Not addressed in this legislation

Public Right To Speak:

- A person seeking recognition may be required to state name and affiliation

Executive Sessions:

Public Notice:
- Not required by this legislation

Topics Permitted:
- Personnel (employee may request open meeting)
- Student discipline
- Litigation
- Selection of a site or purchase of real property
- Negotiations, proposals
- To consider acceptance of gifts when donor requests confidentiality
- Security
- Information classified as confidential by law

Action Permitted:
- Action may be taken only at a public meeting

Penalty For Board Noncompliance:

- Action taken in violation is null and void

Whom To Contact:

For More Information or To File a Complaint:
- Attorney General's Office
Capitol Building
Cheyenne, WY 82002
307/777-7890

Appendix II

Chart A: Provisions of State Open Meeting Laws as They Apply to Local School Boards

Chart B: Common Topics Allowed in Executive Sessions

Chart A

Provisions of State Open Meeting Laws As They Apply to Local School Boards

State	Adequate Public Notice Of Open Meetings Required*	Minutes Required for Regular Sessions	Minutes Specifically Required for Executive Sessions	Agenda Available in Advance	Provisions for Public Right to Speak	Actions in Violation May Be Null & Void	Fines Imposed for Noncompliance
Alabama							X
Alaska	X					X	
Arizona	X	X		X		X	X
Arkansas	X					X	X
California	X	X		X	X	X	
Colorado		X				X	
Connecticut	X	X		X		X	X
Delaware	X	X	X	X		X	
District of Columbia	X	X	X		X	X	
Florida	X	X					X
Georgia	X	X			X	X	X
Hawaii	X	X	X	X	X	X	
Idaho		X	X			X	
Illinois	X	X	X		X	X	X
Indiana	X	X	X		X	X	
Iowa	X	X	X	X		X	X
Kansas	X			X		X	X
Kentucky	X	X				X	X
Louisiana	X	X		X		X	X
Maine	X	X				X	X
Maryland	X	X				X	
Massachusetts	X	X	X		X	X	
Michigan	X	X	X		X	X	X
Minnesota		X					X
Mississippi		X	X				
Missouri	X	X		X		X	X

Provisions of State Open Meeting Laws As They Apply to Local School Boards

State	Adequate Public Notice Of Open Meetings Required*	Minutes Required for Regular Sessions	Minutes Specifically Required for Executive Sessions	Agenda Available in Advance	Provisions for Public Right to Speak	Actions in Violation May Be Null & Void	Fines Imposed for Noncompliance
Montana	X	X			X	X	
Nebraska	X	X		X	X	X	
Nevada	X	X	X	X		X	X
New Hampshire	X	X	X	X		X	
New Jersey	X	X	X			X	X
New Mexico	X	X		X		X	X
New York	X	X	X			X	
North Carolina		X				X	
North Dakota	X	X		X			
Ohio	X	X					X
Oklahoma	X	X		X		X	X
Oregon	X	X		X		X	
Pennsylvania	X	X				X	X
Rhode Island	X	X	X	X		X	X
South Carolina	X	X	X	X		X	X
South Dakota	X			X		X	
Tennessee	X	X				X	
Texas	X			X		X	X
Utah	X	X	X	X	X	X	
Vermont	X	X		X	X	X	X
Virginia	X	X				X	X
Washington						X	X
West Virginia	X	X	X		X	X	X
Wisconsin	X	X		X		X	X
Wyoming	X				X	X	

* Other than annual filing

Chart B

Provisions of State Open Meeting Laws As They Apply to Local School Boards: Common Topics Allowed In Executive Sessions

State	Personnel	Legal Advice	Student Discipline	Real Property Transactions	Labor Negotiations	Safety & Security
Alabama	X					
Alaska	X					
Arizona	X	X	X	X	X	
Arkansas	X	X				
California	X	X	X		X	X
Colorado		X		X	X	
Connecticut	X	X		X		X
Delaware	X	X	X	X	X	
District of Columbia	X	X	X	X	X	X
Florida					X	
Georgia	X	X		X		
Hawaii	X	X		X	X	X
Idaho	X	X	X	X	X	
Illinois	X	X	X	X	X	
Indiana	X	X		X	X	X
Iowa	X	X	X	X		
Kansas	X	X	X	X	X	
Kentucky	X	X	X	X	X	
Louisiana	X	X	X		X	X
Maine	X	X	X	X	X	
Maryland	X	X		X	X	
Massachusetts	X	X		X	X	X
Michigan	X	X	X	X	X	
Minnesota	X	X	X		X	
Mississippi	X	X	X	X		X
Missouri	X	X	X	X	X	

Provisions of State Open Meeting Laws As They Apply to Local School Boards: Common Topics Allowed In Executive Sessions

State	Personnel	Legal Advice	Student Discipline	Real Property Transactions	Labor Negotiations	Safety & Security
Montana	X	X			X	
Nebraska	X	X		X	X	X
Nevada	X				X	
New Hampshire	X	X		X	X	
New Jersey	X	X		X	X	X
New Mexico	X	X		X	X	
New York	X	X		X	X	
North Carolina	X	X	X	X	X	
North Dakota					X	
Ohio	X	X	X	X	X	X
Oklahoma	X	X	X	X	X	
Oregon	X	X		X	X	
Pennsylvania	X	X		X	X	
Rhode Island	X	X		X	X	X
South Carolina	X	X	X	X	X	X
South Dakota	X	X	X		X	
Tennessee		X				
Texas	X	X	X	X	X	X
Utah	X	X		X	X	X
Vermont	X	X	X	X	X	
Virginia	X	X		X		
Washington	X	X		X	X	
West Virginia	X		X	X		X
Wisconsin	X	X		X	X	
Wyoming	X	X	X	X	X	X

Appendix III

Resources

American School Boards: The Positive Power. Alexandria, Virginia: National School Boards Association, 1987.

Becoming a Better Board Member: A Guide to Effective School Board Service. Washington, D.C.: National School Boards Association, 1987.

Cameron, Beatrice H., Kenneth E. Underwood, and Jim C. Fortune. "Politics and Power: How You're Selected and Elected to Lead This Nation's Schools." *The American School Board Journal,* Vol. 175, No.1 (January, 1988) 17-20.

Freund, Sidney A. "Answer These Questions, and Polish Your Board's Public Image." *The American School Board Journal* (October, 1984) 30-31.

"Government in the Sunshine: State Open Meetings and Freedom of Information Laws." Lexington, Kentucky: Council of State Governments, 1986.

Ollove, Michael and Jane Rosenberg. "Evasion of Open Meeting Law Appears Widespread." *The Baltimore Sun,* March 5, 1989, Section B, P. 1.

"Open Government in the States." Washington, D.C.: Common Cause, 1983.

Piele, Philip K. *The Yearbook of School Law, 1982.* Topeka, Kansas: National Organization on Legal Problems of Education, 1982.

Rapp, James A. *Education Law.* New York: Matthew Bender and Company, 1984.

Schimmel, David and Louis Fischer. *Parents, Schools, and the Law.* Columbia, Maryland: The National Committee for Citizens in Education, 1987.

School Boards: Strengthening Grass Roots Leadership. Washington, D.C.: The Institute for Educational Leadership, 1986.

Valente, William D. *Law in the Schools, Second Edition.* Columbus, Ohio: Charles E. Merrill Publishing Company, 1987.

van Geel, Tyll. *The Courts and American Education Law.* Buffalo, New York: Prometheus Books, 1987.

Wynter, Leon. "Closed Doors: P.G. School Board Avoided Public Eye In Secret Meetings 43 Times Recently," *The Washington Post*, March 15, 1984, Maryland Weekly Section, P.1.

State Publications

Arkansas

20 Years of the FOIA: A Guide to the Arkansas Freedom of Information Act. Produced and Compiled by Attorney General Steve Clark, et al: 26pp. For more information: Office of the Attorney General, 200 Tower Building, Little Rock, Arkansas, 72201 (501/682-2007).

California

Open Meeting Laws--1989. California Attorney General's Office, 99pp. For more information: Public Inquiry Unit, Office of the Attorney General, 1515 K Street, P.O. Box 944255, Sacramento, California 94244

Florida

Government-In-The-Sunshine Manual: A Reference for Compliance with Florida's Public Records and Open Meetings Laws. 1989 Edition, Volume 11, 290 pages. Published by the First Amendment Foundation. For more information: First Amendemt Foundation, 336 E. College Avenue, Suite 103, Tallahassee, FL 32301.

Idaho

Idaho Open Law Manual. Office of the Attorney General, 1986, 16pp. For more information: Attorney General of Idaho, State House, Boise, Idaho, 83720.

Illinois

Guide to the Illinois Open Meetings Act. Attorney General's Office, 1988, 64pp. For more information: Office of the Attorney General, State of Illinois, 500 South Second Street, Springfield, Illinois (217/782-1090).

The Open Meetings Law: A Guide for School Boards. Illinois Association of School Boards, 1978, 16pp. For more information: Illinois Association of School Boards, 1209 South Fifth Street, Springfield, Illinois 62703.

Indiana

Opening the Doors to Indiana Government: A Guide to the Open Door Law. Office of the Attorney General, 1988, 27pp. For more information: Office of the Attorney General, 219 State House, Indianapolis, Indiana 46204.

Michigan
Open Meetings Act, 1987. Linda Bruin, Michigan Association of School Boards, 37pp. For more information: MASB, 421 W. Kalamazoo Street, Lansing, Michigan 48933 (517/371-5700).

Nevada
Nevada Open Meeting Law Manual. Attorney General's Office, 1988. 35pp. For more information: State Attorney General's Office, Capital Complex, Carson City, Nevada 89710 (702/885-4170).

New York
Your Right to Know: New York State's Open Government Laws. Committee on Open Government, 1988, 16pp.

A Pocket Guide to New York's Open Government Laws: The Freedom of Information Law and the Open Meetings Law. New York State Department of State, 1988.

1988 Report to the Governor and the Legislature. Committee on Open Government, 1988, 39pp. plus appendices.
For information on any of these publications: Committee on Open Government, NYS Department of State, 162 Washington Avenue, Albany, New York 12231 (518/474-2518).

Texas
The People's Access to Government Guide. Texas Attorney General's Office, 43pp. For more information: Texas Attorney General's Office, PO Box 12548, Austin, Texas 78711 (512/463-2100).

Vermont
Memo to school board chairpersons and superintendents from Deputy Secretary of State Paul Gillies "RE: Open Meetings, 1988." June 24, 1988, 8pp. For more information: Deputy Secretary of State,Pavilion Office Building, Montpelier, Vermont 05602 (802/828-2363; 800/642-5155).

Appendix IV

State School Boards Associations

ALABAMA ASSOCIATION OF SCHOOL BOARDS
Drawer #230488
Montgomery, AL 36123-0488
(205) 277-9700

ASSOCIATION OF ALASKA SCHOOL BOARDS
316 West Eleventh St.
Juneau, AK 99801-1510
(907) 586-1083/586-3394

ARIZONA SCHOOL BOARDS ASSOCIATION
3852 North 29th Ave.
Phoenix, AZ 85017
(602) 257-3700

ARKANSAS SCHOOL BOARDS ASSOCIATION
808 High Street
Little Rock, AR 72202
(501) 372-1415

CALIFORNIA SCHOOL BOARDS ASSOCIATION
916-23rd Street
Sacramento, CA 95816
(916) 443-4691

COLORADO ASSOCIATION OF SCHOOL BOARDS
1330 Logan Street
Denver, CO 80203
(303) 832-6691

CONNECTICUT ASSOCIATION OF BOARDS OF EDUCATION
331 Wethersfield Avenue
Hartford, CT 06114
(203) 522-8201

DELAWARE SCHOOL BOARDS ASSOCIATION
Bank of Delaware Building, Suite 204
P.O. Box 1277
Dover, DE 19901
(302) 678-2265

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA
415 Twelfth Street, N.W.
Washington, DC 20004
(202) 724-4289

FLORIDA SCHOOL BOARDS ASSOCIATION
203 South Monroe St.
Tallahassee, FL 32301
(904) 224-1374

GEORGIA SCHOOL BOARDS ASSOCIATION
1240 Atkinson Rd.
Lawrenceville, GA 30245
(404) 962-2985

HAWAII STATE BOARD OF EDUCATION
P.O. Box 2360
Honolulu, HI 96804
(808) 548-6405

IDAHO SCHOOL BOARDS ASSOCIATION
P.O. Box 2577
2815 Madison Street
Boise, ID 83702
(208) 342-6441

ILLINOIS ASSOCIATION OF SCHOOL BOARDS
1209 South Fifth St.
Springfield, IL 62703
(217) 528-9688

ILLINOIS ASSOCIATION OF SCHOOL BOARDS
200 W. Twenty-second Street, Suite 249
Lombard, IL 60148
(312) 629-3776

INDIANA SCHOOL BOARDS ASSOCIATION
Suite 1215-Floor 12
One North Capitol Avenue
Indianapolis, IN 46204
(317) 639-0330

IOWA ASSOCIATION OF SCHOOL BOARDS
Insurance Exchange Building, #927
505 Fifth Avenue
Des Moines, IA 50309-2316
(515) 288-1991

KANSAS ASSOCIATION OF SCHOOL BOARDS
5401 Southwest Seventh Avenue
Topeka, KS 66606
(913) 273-3600

KENTUCKY SCHOOL BOARDS ASSOCIATION
Box 96-A
Frankfort, KY 40601
(502) 695-4630

LOUISIANA SCHOOL BOARDS ASSOCIATION
P.O. Drawer 80459
Baton Rouge, LA 70898
(504) 769-3191

MAINE SCHOOL BOARDS ASSOCIATION
108 Sewall St.
Augusta, ME 04330
(207) 622-3473

MARYLAND ASSOCIATION OF BOARDS OF EDUCATION
133 Defense Highway, Suite 204
Annapolis, MD 21401
(301) 841-5414

MASSACHUSETTS ASSOCIATION OF SCHOOL COMMITTEES, INC.
179 South Street--2nd Floor
Boston, MA 02111
(617) 542-3225

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SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION
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WASHINGTON STATE SCHOOL DIRECTORS ASSOCIATION
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What others are saying about

Open Meeting Laws, Local School Boards and the NCCE Survey:

"The open meeting or sunshine law is my candidate for the most violated law outside of jaywalking."

Dennis Sweeney
Maryland Deputy Attorney General

"Citizens, the best message you can give a school board is to show up at the meetings. It doesn't matter if you ever say anything, just be there. Your presence is one of the best safeguards for upholding the law."

Robert J. Freeman
Executive Director, Committee on
Open Government, New York State

"Once more NCCE has really done a great service and done it well. Would that even some of the model policies were in place in every school district. Your state comparisons and recommendations ought to serve as catalysts for every group serious about making public and parent involvement both active and actual."

Manya S. Ungar
President, National PTA, 1987-89